

VILLAGE OF VERMONTVILLE

**CODE OF ORDINANCES**

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Revision P

**Village of Vermontville**  
121 Eastside Drive  
Vermontville, MI 49096

**REVISION PAGE FOR THE  
VILLAGE OF VERMONTVILLE  
CODE OF ORDINANCES**

Date Approved	Chapter/Section	Addition/Delete	Description	Revision Level
04-08-04	Chapter 54	Addition	Electric & Gas Franchises	A
10-7-2004	Chapter 2 Section 3.C	Addition	Required hookup for Sewer	B
09-09-2004	Chapter 35 Section 7	Addition	Timeframe for removal of refuse	C
10-07-04	Chapter 40 Section 8.A & B	Addition	Penalties for open burning	D
6-9-05	Chapter 35 Section 15	Addition	Penalties for junk And weeds	E
6-9-05	Chapter 36 Section 8	Addition	Violations for dangerous buildings	
6-9-05	Chapter 37 Section 6	Addition	Penalties for Solicitors Permits	
6-9-05	Chapter 38 Section 5	Addition	Penalties for Noise	
6-9-05	Chapter 41 Sections 2 & 4	Additions	Curfew times and penalties	
8-4-05	Chapter 39 Section 8	Additions	Penalties for Dogs	F
10-6-05	Chapter 1 Section 18	Additions	Penalties for water	G
8-8-06	Chapter 39 Section 4.G	Addition	Pick up and disposal of feces	H
9-7-06	Chapter 36 Section 8	Addition	Property owner	I
11-2-06	Chapter 31 Section 7 Sub-sections 5&6	Change to match Zoning Ordinance	Frontage on lot splits	J
3-6-07	Chapter 1 Section 6 6.D.	Addition of D	Service during Business hours	K
8-2-07	Chapter 7 Section 02	New ordinance	Authority to convey property	L
10-4-07	Chapter 40 Section 3 and 4.1	Wording change Addition of 4.1	Open burning prohibited/ open burn exception	M
4-5-08	Chapter 2 Section 9	Addition of J	Maintenance of Services	N
6-30-08	Chapter 58	New	Enforcement	O

6-30-08	Chapter 46	Wording addition	Parking	O
6-30-08	Chapter 54 Section B	Addition	Escrow Fees	O
1-10-09	Chapter 53 Section 3.B	addition	Removal of PC members	P

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VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES

**ARTICLE ONE: UTILITIES AND INFRASTRUCTURE**

The ordinances adopted by the Village of Vermontville pertaining to the water, wastewater and transportation systems and facilities of the Village are assembled in this Article One: Utilities and Infrastructure.

**CHAPTER 1. VILLAGE WATER SYSTEM.**

**1.1 APPLICABILITY.** The Village of Vermontville public water system shall be governed by the rules, regulations and procedures set forth in this Chapter.

**1.2 APPLICATION FOR SERVICE**

- A. When the installation of service pipes is desired from the water distribution system an application in writing, on an approved form, shall first be made to the Village Clerk. Such application shall set forth the true legal description of the premises it is proposed to serve, the size of the service desired and such other pertinent data as may be required by the Water Works. The applicant shall be required to answer truthfully all questions regarding such application which may be put to him by an officer or employee of the Water Works.
- B. Every person who shall be supplied, or whose property shall be supplied, with water by the Water Works of the Village shall be deemed to have accepted and approved, this Chapter and all the rules of the Village governing and regulating the supplying of water, and the same shall constitute a part of the contract between such person and the Village. Each application shall be signed by the owner of the property or his legally authorized agent
- C. Connections to the distribution mains shall be installed only by the Village and then only upon the prepayment of the fees established therefor, by this Chapter, and the subsequent payment of the actual cost of the stub service.
- D. After the service pipes have been installed to the premises persons may apply for and be granted the use of water, provided such application is made in writing, on an approved form, at the office of the Village Clerk and provided further, that the applicant agrees to be

bound by all the legally established rules and regulations of the Village regarding the Water Works.

- E. Tenants of persons complying with the provisions of Section 1.16, B of this Chapter with respect to execution of leases and filing of affidavits shall not be granted the use of water until they have paid the deposit required by the Village. Further, the amount of the deposit required may be revised by the Village Council, to be approximately equal to the largest normal water bill on the premises for any six months preceding consecutive period, or an estimate thereof. Such deposit shall bear no interest and shall be retained by the Water Works until service has been discontinued and all rates and charges paid and the meter returned in good condition. The Water Works shall have the right to use such portion of that sum to repair any meter damaged by reason of the owner's or customer's negligence and to pay any unpaid rates or charges for which they may be liable and the person, persons, making the deposit shall be required to pay such additional sums as shall be necessary to have on deposit at all times the sum required by the original deposit.
- F. Whenever a customer shall have promptly paid his water bills for at least two years and shall have otherwise established satisfactory credit in the Village, the Water Works may refund his deposit.

### 1.3 INSTALLATION OF SERVICE

- A. The Water Works may postpone the granting of permission to connect a service at such times as in their judgment the making of connections will endanger the mains from freezing or other damage
- B. A "Stub Service" is defined as any service connection with the principal mains, and service pipes from said principal mains to approximately two feet back of the curb line, or gutter line where there is no curb, including the stop or curb cock or valve and box for same. Stub services shall be furnished and installed only by properly authorized employees of the Water Works, acting under its orders and direction, and at the expense of the consumer. The owner of the property served shall pay the actual cost of all labor and materials entering into such service connections, plus a fee as established by the Village Council from time to time to cover the cost inspection of the owner's portion of the service, overhead, and maintenance to tools. Actual costs shall include the re-paving and maintenance of the roadway until restored to a condition equal to the existing roadbed before the excavation was made.

- C. No person shall make any connection with the above mentioned stub service or extend the same to the building or meter, located either at the curb or within the basement, except a regular employee of the Water Works, or a duly licensed plumber and he only when having a special permit from the Water Works showing that the service has been inspected and approved.
- D. The plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the prosecution of the work of introducing water into said premises as the agent of the Water Works. The Village will not be responsible for the acts of such plumber. The owner and plumber will each be held responsible for the trench opened by them.
- E. Every single house must have a separate connection with the street main.
- F. No person shall make any attachment or connection with the water distribution system or make any repairs, additions in, or alternations of any fixtures connected with the system unless such connection, repairs, additions, extensions, or alterations are in accord with this Chapter and the code approved by the state plumbing board, and with any additional rules and regulations, regulating the installation of plumbing which the Village Council may from time to time adopt. All work performed in making additions, connections, repairs, extensions or alterations of any fixtures connected with the distribution system shall be subject to inspection by the Water Works representative who has authority, hereby granted, to order any part of such work disconnected or changed in order that the same shall comply with the rules and regulations of the department.
- G. The curb cock or valve on any stub service shall not be opened or left open by the plumber or any other person after connecting said service at the curb, so that the water may be supplied to such premises by said service, unless and until the service pipe and installation has been inspected and approved by the Water Works and the meter installation completed. In case of building operations, special temporary permission may be given by the Water Works under such conditions as it may prescribe.
- H. All rights, title and ownership to the stub service, including the corporation cock, service box, stop cock and service pipe between them shall be vested in the Village of Vermontville.
- I. All service pipes between the main and the meter shall be to code, refer to the Eaton County Building Codes. No service shall be laid along the outside wall or in any position where there is danger of freezing. Every service shall be furnished with a valve with waste on the influent side of the meter below the action of frost and on 2 inch and larger meters

a valve shall also be placed on the effluent side of the meter. When such valve is placed under the floor, the rod operating the valve shall extend above the floor. Service pipe laid in the same trench with a sewer shall be at least 18 inches distant from the sewer horizontally, and if the sewer is laid to a greater depth, the water service shall be shelved into the bank to a solid bottom. In no case shall a service pipe be laid on a fill.

- J. Where trenches are opened for the laying of service pipes and such service pipes installed, said trenches, materials and workmanship shall be inspected and tested for leakage by the Water Works before the same are backfilled. The owner or the plumber performing such work shall notify the Water Works that such trench and service are ready for inspection and test.
- K. Stand pipes, or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be attached to the water supply system. Application for such permits, accompanied by a plan of the proposed pipe system must be submitted to the Village Council for approval. No additional fixtures, connections or extensions, shall be made in any fire system. The entire cost of installing the fire service shall be borne by the owner of the building supplied. Such services shall be subject to the maintenance provisions as given in Section 1.4 below.

**1.4 MAINTENANCE OF SERVICES.** The owner of property into which water is introduced by a service, pipe will be required to install and maintain in perfect order, at his own expense, the said service pipe from the curb cock and box to the meter on or for his premises, including all fixtures therein provided for delivering or supplying water for any purpose. In case such service and fixtures are not so kept in repair, the Water Works may shut off the service or may make all necessary repairs, and renewals, or parts thereof. The expense of such work, and all materials and labor required, shall be paid by the property owner.

## **1.5 METERS**

- A. All connections with the water mains, with the exception of fire hydrants and fire protection sprinkler systems, must be prepared for the use of water through a meter and no water shall be supplied to any inhabitant of the Village unless such water shall be measured by a water meter of a design approved and installed by the Water Works. The Water Works will not be required to furnish meters of a larger size than in the judgment of the Water Works appears necessary.

- B. Water for automatic sprinkling systems will be furnished for the rates set forth herein. No person shall use any water from a sprinkler system, except in case of fire.
- C. All meters must be set in a clean, dry, sanitary place easily accessible. They will not be allowed in closets or compartments that are kept locked; in coal bins, in or under toilet room floors; in pits below basement floors; under buildings having no basements; porches, show windows, show boards or any other places where they are difficult of access. Where practical, meters shall be installed within the building served but where this is impractical, meter pits shall be built in accordance with plans and specifications furnished by the Water Works. The cost of construction of meter pits shall be borne by the owner of the property.
- D. Actual placing of the meter shall be done by the Water Works after the property owner has made application for same and provided a place in the system, with an approved service, at his own expense, for setting the meter. In case an application for water service has been filed and no provision made for the meter, the Water Works will not be required to set the meter or supply service until the place to install the meter has been provided. The space occupied by the meter and the meter box shall at all times be kept accessible and free from rubbish or obstructions of any kind.
- E. Meters will be furnished by the Water Works, and for a setting charge as herein provided, at no cost to the customer, and all rights, title and ownership of the meter shall be vested in the Village of Vermontville.
- F. The Village will maintain all meters and make all necessary replacements caused by wear through normal usage. The customer will be held responsible for care and protection of the meter from freezing or damage by hot water and from injury by any person or persons. Any damage which may occur to any water meter due to the carelessness or neglect of the tenant, owner or agent of the property on which said meter is placed, shall be paid for by such person upon presentation of a statement of damages. Meters shall be repaired only by the Water Works or its authorized agents.
- G. In case a meter reading does not appear to be consistent, or in case the meter has ceased to register, the amount of water charged for shall be the amount estimated by the Water Works. In making such estimates, previous quantities of water used by the same premises shall be used as a basis for said estimates, but special conditions found, such as leaking fixtures or abnormal demand for water may be also considered. When it appears that abnormal use of water has resulted from leakage or carelessness on the part of the consumer, no deduction shall be made therefore.

- H. All persons are forbidden to interfere with or remove any service connection. No person shall break, remove or shall cause to suffer to be broken, removed or tampered with which is placed on any meter or service box by an employee of the Water Works. No person shall place or cause or suffer to be placed any device which shall serve to allow any water to be used which does not pass through the meter.
- I. It shall be the duty of the Water Works to read all periodically and to render statements for the amounts due as shown by the reading. Statements shall be payable as determined by this Chapter, but in no event shall failure to receive a statement excuse any consumer for non-payment thereof.

## 1.6 DISCONTINUING SERVICE

- A. If any payment for the use of water, or any fees as determined by this Chapter or by resolution of the Village Council remains unpaid for a period of thirty days after the due date, the Water Works may cause the water supply to be turned off and the meter removed from such premises, until such time as payments and all applicable fees shall have been fully paid. The Village Council shall establish by resolution a fee to be charged in addition to all other unpaid fees whenever the Water Works shall turn off such service and said fee shall be called a "Turn-Off" fee.
- B. It is understood and agreed by all parties making application for water that the Water Works or the Village of Vermontville shall not be liable for any damage which may result to any person or premises from shutting off of the water from any mains or service, for any purpose whatever, even in cases where no notice is given.
- C. When the water supply to any building, structure, or premises shall have been shut off, or stopped by, or under the direction of the Water Works in accordance with the provisions of Section 1.6, A, above, the water shall not again be supplied to such building, structure of premises until the charges and penalties have been paid plus a "Turn-On fee" as established by resolution of the Village Council. If water service is not resumed by the consumer, any unpaid charges and penalties shall be deducted from the deposit made with the Water Works or become a lien on the property served as herein provided.
- D. Water shutoffs and turn-ons will only be done during normal business hours, except for emergencies. Payments are to be made during normal business hours also.

Revision~ D. added 3-6-07

- 1.7 **ACCESS TO PROPERTY.** The Water Works through its authorized representative shall have access to the meter and all water piping and plumbing fixtures at any reasonable hour for the purpose of inspecting the meter or any of the plumbing used in connection with the water

supply system and no such meter or auxiliary equipment shall be covered or fenced in such a way as to be inaccessible.

#### **1.8 USE OF HYDRANTS**

- A. No person shall without written authority draw water from any public hydrant or any other public connection with the water supply system except in emergency cases for the purpose of extinguishing fire, or fire practice by the regularly organized fire department. Permits to use hydrants shall be granted by the Village Clerk only for specific hydrants at specific times for specific work.
- B. Any person holding permission from the Village Clerk to use a fire hydrant shall keep their written permit at the place of use and it shall be displayed to any member of the fire department or village official upon request.
- C. Any person desiring services from a fire hydrant shall place on deposit such a sum of money as the Village Clerk shall designate, which sum shall be held until all charges incurred have been fully paid and all Water Works equipment returned in good condition. The Water Works shall have the right to use any portion or all of such deposited sum to repair or replace any equipment damaged through negligence of the person using the hydrant or by reason of its use thereof.
- D. Before the use of water from a hydrant is allowed, the discharge port shall first be fitted with a valve suitable to the fire department and under the direction of the Water Works. The main valve of the hydrant must be opened full at the beginning of work each day, and remain open until the stoppage of work at night. The water supply shall be regulated by the independent valve. The hydrant shall be operated only by a proper hydrant wrench which shall be obtained from the Water Works or Fire Department.
- E. Water must not be allowed to run except when used. No leaking hydrants shall be permitted. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Water Works to regulate the use of the hydrants.
- F. If the use of water from a hydrant is to be continued over a number of days, the Water Works, weather permitting, may require a meter to be applied to the connection made with the hydrant, at the expense of the party using same, and said party shall pay for all water by meter measurement at the stipulated rates.

#### **1.9 TAMPERING WITH PROPERTY**

- A. It shall be unlawful for any person to disturb, remove, alter or tamper with any water meter, except an authorized agent of the Water Works.

- B. No person shall willfully or maliciously break, injure, or disturb any water main, service pipe, meter or water fixture or facility of any kind. No person except members of the fire department or Water Works shall unlock, unscrew, or take off the cap, or cover of any hydrant, or open or close the valve thereof, or in any manner operate or use, any hydrant (except under a special written permission issued by the Water Works).
- C. No person, except a duly authorized employee of the Water Works, shall open, close, or in any way interfere with any valve or gate in any water main, conduit or street pipe. This paragraph applies also to curb cocks on stub services except as herein provided in Section 1.3, G.
- D. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or who has covered a valve box or manhole cover of a valve chamber with dirt, paving plank or other material shall immediately replace the valve box or remove the obstruction.

#### 1.10 CROSS CONNECTION RULES

- A. The Village of Vermontville adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Public Health being R 325.431 to R 325.440 of the Michigan Administrative Code.
- B. It shall be the duty of the Village of Vermontville to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Vermontville Water Works and as approved by the Michigan Department of Public Health.
- C. The representative of the Council of the Village of Vermontville shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of Vermontville for the purpose of inspecting the piping system or systems thereof for cross connections. On request the owner, lessees or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.
- D. The Vermontville Water Works is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Chapter exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Chapter.



- E. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Chapter and by the state and village code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

**“WATER UNSAFE FOR DRINKING”**

- F. This Chapter is supplementary to the standards of the State Plumbing Code and other relevant Village of Vermontville ordinances.
- G. Any person or customer found guilty of violating any provisions of this Chapter, or any written order of the Council of the Village of Vermontville, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$500.00 plus any costs incurred by the Village, for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violation for the purpose of this Chapter.

#### **1.11 SERVICE TO MULTIPLE DWELLING UNITS**

- A. Scope: Individual units that are responsible for their individual water/sewer bills must have their own water meter and shut off at the curb/property line. If the landlord is responsible for the water/sewer bills they may have a single meter with single shut off with readiness to serve charge multiplied by the number of units in the multiple dwelling.
- B. Connection: If a splitter (wye) is used on the present line, it must have a curb stop, box, meter and line for each unit. There will be no privilege connection fee. However, there will be an inspection fee and meter set fee (i.e., meter cost). All expenses will be the property owner's responsibility. If a new line is added to the main, all fees as outlined in Article One, Chapters 13 and 14 and any other ordinances which could apply to water and sewer connections shall apply. There will be a readiness to serve charge for each unit.
- C. Application and Inspection. Prior to any installation of water lines and/or wyes a water and/or sewer permit shall be purchased, completed and all applicable fees shall be paid. All work shall be inspected by the Village of Vermontville or County and/or State, if applicable. Water service shall not be turned on until all inspections are found to be satisfactory.
- D. Security Deposit: It shall be the responsibility of the contractor to deposit with the Village Clerk a cash security deposit in an amount as established by resolution of the Village Council for each multiple unit before work commences. The security deposit shall be returned to the contractor, with no interest, upon the completion of the job and satisfactory inspections.

- E. Timeframe for Completion. Owners of multiple unit dwellings with multiple bills shall have twelve months, to complete all necessary changes. If all changes are not satisfactorily met and inspected, water service may be discontinued at the street until all necessary changes have been met.

**1.12 FLUORIDE PROHIBITED.** No fluoride shall be added to the potable water supply system of the Village of Vermontville unless the question of adding fluoride to the water system is submitted to the electors of the Village, upon a petition filed with the Clerk, as provided by Section 2, Act 346, Public Acts of Michigan of 1968.

**1.13 SALE OF WATER TO VERMONTVILLE TOWNSHIP FOR FIRE FIGHTING.** The Village of Vermontville and Vermontville Township shall seek to adopt and maintain an agreement pertaining to the sale, use, billing methods and means of determining water usage in fire fighting.

#### **1.14 RATES**

- A. The rates for services furnished by the Water Works shall be as follows: All metered water shall be charged at a two part rate consisting of a readiness to serve charge, plus a commodity charge.
- B. The minimum charge shall be the Readiness to Serve Charge.
- C. All rates, fees, and charges for water services furnished by the Water Works under Sections 1.14, A and B, shall be payable monthly. All bills for such services shall be due and payable within thirty (30) days following the end of each month.
- D. A penalty of ten (10%) per cent will be added to all bills not paid within said thirty days. All charges for water supplied during any month shall be paid within the succeeding month. The village shall have the right to turn off the water from any premises against which such charges shall not be paid within such succeeding month; such unpaid balance shall become a lien on the property served as herein provided. When so turned off, the water shall not be turned on again until the charges and penalties have been paid.
- G. For building purposes only, where it is not advisable or practical to install a meter the owner or contractor may be furnished water temporarily for construction at a fixed flat rate. In such instance, the owner or contractor shall make written application to the Village Clerk giving the estimated service required as to time and quantity, and make payment in advance of the amount of charges for water as determined by the Village Council.

#### **1.15 FEES AND DEPOSITS**

- A. Tapping and connection charges will include the actual cost of labor and material for installing service connections with the distribution mains, or the cost as estimated by the Village Council, plus a privilege connection fee as established by resolution of the Village Council. The fee shall accompany the application for service. The cost of the service connection shall be paid within thirty (30) days after completion of the work.
- B. A fee will be charged for the original setting of the water meter, said fee shall be set at the prevailing cost of same with the fee to be paid before installation of the meter.
- C. In premises where water has been discontinued or turned off and suitable arrangements and application have been made to resume the service, a "turn-on" fee in an amount established by resolution of the Village Council shall be paid to the Village Clerk before the curb cock or valve is to be opened by an employee or agent for the Water Works.
- D. Properties owned and rented out in the village, serviced by the village water system, where owner wants the renter to pay the water bill for said property will require a deposit, set by resolution of the council, to be paid at the village office. This deposit will be held for such time as the renter lives on the premises. The deposit to be refunded after any fees or penalties owed are deducted. Owners can opt to pay the water bill themselves; the owner is ultimately responsible for all service fees and penalties incurred. If not paid then service shall be shut off until all fees and penalties are paid in full.

#### 1.16 COLLECTIONS

- A. In addition to other remedies possessed by the Village for the collection of water rates, assessments, charges or rentals for the use or consumption of water supplies or made available to any house or building or any premises, lot or lots, or parcel or parcels of land in the Village, the Village shall have as security for the collection hereof a lien upon such house or other building and upon the premises or lot, or lots, or parcel, or parcels of land, upon which such house or other building shall be situated, or to which such water has been supplied. Such lien shall become effective immediately upon the distribution of water to the premises or property, to which water is supplied, and the official records of the Water Works of said Village shall constitute notice of the pendency of said lien. Said lien shall have priority over all other liens except taxes and special assessments whether or not such liens accrued or were recorded, prior to the lien herein created.
- B. All unpaid water charges which upon the first day of April of each year have remained unpaid for three months or more shall be reported by the Village Clerk to the Village Council at the first meeting thereof in the month of April. The Village Council shall thereupon order the publication in a newspaper published at least weekly, of notice to all owners of property within the village that all unpaid water rates, fees, or charges, which

have remained unpaid for a period of three months or more, as of the first day of April which have not been paid by the 30th day of April will be transferred to the tax roll and assessed upon the Village's tax roll against the property to which the water for which the unpaid rates, fees or charges accrued, to be collected in the same manner as the lien created by village taxes on said tax roll. All paid water rates, fees, or charges which are reported by the Village Clerk to the Village Council as having been unpaid for a period of months or more on the first day of April of each year which remain on the 30th day of April shall be transferred to the Village tax roll and assessed against the property to which the water was supplied or furnished, which unpaid rates, fees, or charges accrued shall be collected with and in the same manner as village taxes are collected, if the same shall remain delinquent and unpaid after the expiration of the time limited in the warrant for the collection of taxes levied in such roll, such charges shall be returned to the County Treasurer, collected in the same manner as the lien created by village taxes on the delinquent tax roll of the village.

#### 1.17 LIMITATIONS OF SERVICE

- A. The Water Works reserves the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action; although no limit may be stated in the application or permit for use; or said Water Works may entirely shut off the water supply used for any manufacturing purpose, or for furnishing power or for lawn sprinkling at any time, by giving reasonable notice to the consumer of such intended action.
- B. In the case of making or constructing new work, in making repairs or leakage tests, the right is reserved to shut off the water from any consumer, without notice, for as long a period as may be necessary.
- C. In all places where steam boilers or hot water tanks are supplied with water from the village water supply, the owner or consumer must have placed a suitable safety valve, vacuum valve or other proper device to prevent damage from collapse or explosion when the water is shut off. There shall be placed on the effluent side of the meter a suitable check valve to prevent back flow of hot water or steam into the meter.
- D. The Water Works or the Village shall not be liable for any damage or loss of any nature or kind to property or persons, which may arise from, or be caused by any change, either increase or decrease, in pressure of water supplied, or for shutting off the water for any purpose whatever.

#### 1.18 PENALTIES. Any person, firm or corporation violating any of the provisions of this Chapter shall, upon conviction in a court of competent jurisdiction shall be guilty of a misdemeanor

and upon conviction shall be subject to a fine of not to exceed \$100.00 or by imprisonment in the County Jail for not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

Revised 10-06-05-Revision G

## CHAPTER 2. VILLAGE WASTEWATER SYSTEM

- 2.1 **APPLICABILITY.** The Village of Vermontville public wastewater system shall be governed by the rules, regulations and procedures set forth in this Chapter.
- 2.2 **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms in this Chapter shall be as follows:
- A. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sanitary sewage.
  - B. "Superintendent" shall mean the superintendent of the municipal sanitary sewer works of the Village of Vermontville, Michigan, or authorized Village of Vermontville representative.
  - C. "Inspector" shall mean any person or persons duly authorized by the Village to inspect and approve the installation of building sewers and their connection to the public sanitary sewer system.
  - D. "Sewage" shall mean a combination of water carrying wastes from residences, business buildings, institutions, all public and private structures, and industrial establishments, together with such ground, surface, and storm waters as may be present.
  - E. "Sewer" shall mean a pipe or conduit for carrying sewage.
  - F. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights to its usage, and is controlled by the public authority, the Village of Vermontville.
  - G. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.
  - H. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
  - I. "Storm Sewer" or "storm drain" shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and polluted industrial wastes.
  - J. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage:
  - K. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from handling, storage, and sale of produce.
  - L. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that particles be will carried away freely under the flow conditions normally prevailing in the public sewers, with no greater particle than one-half (1/2) inch in any dimension.

- M. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- N. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- O. "B.O.D.", Denoting "Biochemical Oxygen Demand", shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days of 20 (twenty degrees Centigrade or sixty eight degrees Fahrenheit) centigrade, expressed in parts per million by weight.
- P. "PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Q. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspensions in water, sewage, or other liquids, and which are removable by laboratory filtering.
- R. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- S. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- T. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- U. "Shall" be construed as mandatory.
- V. "May" shall be construed as permissive.

**2.3 USE OF PUBLIC SEWERS REQUIRED.** It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner upon public or private property within the Village of Vermontville, Michigan, or in any area under the jurisdiction of the village, any human or animal excrement or garbage or other objectionable waste which ordinarily would be regarded as sewage or industrial wastes.

- A. It shall be unlawful to discharge to any natural outlet within said village, or in any area under the jurisdiction of the Village of Vermontville, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- B. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.
- C. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting any street, alley, or

right-of-way in which there is now located or may in the future be located a public sewer or combined sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within thirty (30) days after date of official notice so to do; provided that said public sewer is within one hundred (100) feet of the property line.

Revised 10-7-2004/Revision B

**2.4 PRIVATE SEWAGE DISPOSAL.** Where a public sanitary or combined sewer is not available under the provisions of Section 2.3, C of this Chapter, the building sewer shall be connected to a private sewage disposal, complying with all requirements of the state board of public health and/or requirements of the County of Eaton.

- A. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village of Vermontville.
- B. At such time(s) as a public sewer becomes available to a property served by a sewage disposal system, as provided in Section 2.3, C of this Chapter, the building sewer shall be directly connected to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with sand or a suitable material.
- C. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the state board of health.

**2.5 BUILDING SEWERS AND CONNECTIONS.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the Village of Vermontville and deposited with the Village Treasurer a corporation surety bond in the sum of \$10,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority, or any ordinance of the Village of Vermontville pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the Village of Vermontville and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Chapter. Such bond shall remain in force and must be executed for a period of one year, except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued there under prior to such expiration.

- A. Permits. There shall be two (2) classes of building sewer permits:
  - 1) Residential service.
  - 2) Industrial/commercial.



- 3) In either case, the owner or agent shall make application on a special form furnished by the Village of Vermontville. The permit application shall be supplemented by any plans, specifications, or to her information considered pertinent, in the judgment of the superintendent or inspector. A permit and inspection fee in amounts established by resolution of the Village Council for all classes of sewer building permits, shall be paid at the time the application is filed.
- B. Costs of Installation. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the Owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.
  - C. One Connection per Lot. A separate and independent sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, except for billing purposes. Other exceptions may be allowed only by special permission of the Vermontville Village Council.
  - D. Existing Sewers. Old building sewers or portions thereof, may be used in connection with new buildings, only when they are found on examination and test of the inspector to meet all requirements of this Chapter.
  - E. Required Materials. Must be built to Village specifications.
  - F. Sealed Joints Required. All joints and connections shall be made gas tight and water tight. Vitrified clay sewer pipes shall be fitted with factory made Resilient Compression joints meeting the current ASTM "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C424). Asbestos cement or concrete sewer pipe joints shall be of the rubber ring, flexible compression type, similar and equal to joint specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.
  - G. Size and Slope. The size and slope of the building sewers shall be subject to the approval of the said inspector, but in no event shall the diameter be less than six inches. The slope of such six (6) inch pipe shall not be less than one-eighth (1/8) inch per foot.
  - H. Basement Service. Whenever possible the building sewer shall be brought to the building at elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might be thereby weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the inspector. Pipe laying and backfill shall be performed in accordance with current ASTM specifications, except that no backfill shall be placed until the work has been inspected by the inspector or his representative.

- I. Pressure Discharge. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.
- J. Connection Location. The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said inspector.
- K. Connection Supervision. The applicant for the building sewer shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said inspector or representative.
- L. Excavation Protection. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said Village.
- M. Connection Charge. Each premise other than a single family residential unit shall pay a connection charge multiplied by a residential equivalent factor representing a ratio of sewer by such class of premise to a normal single family residential use factor.

## 2.6 USE OF THE PUBLIC SEWERS.

- A. Stormwater Prohibited. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer without a permit from the Village of Vermontville.
- B. Hazardous Discharges Prohibited. No person shall discharge or cause to be discharged to any public sewer, any harmful water or waste: whether liquid, solid, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the Village of Vermontville's sewage works.
- C. Required Interceptors. Grease, oil, and sand interceptors shall be provided, when in the opinion of the inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any flammable wastes, sand, and other harmful ingredients, except, that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at the owner's expense, in continuously efficient operation.
- D. Pretreatment. The admission into the public sewers of any waters or waste having harmful or objectionable characteristics shall be subject to review and approval of the superintendent, who may, prescribe limits on the strength and character of these waters or waste. Where necessary, in the opinion of the superintendent, the owner shall provide at

the owner's expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Michigan state board of health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

- E. **Manhole Access.** When required by the Village of Vermontville, the owner of any property served by a building carrying industrial wastes shall install and maintain at their expense, a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. All measurements, test, and analyses of the characteristics of waters and wastes shall be determined in accordance with "standard methods for the examination of water and sewage", and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

**2.7 PROTECTION FROM DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works or system.

**2.8 POWERS AND AUTHORITY OF INSPECTORS.** The superintendent, inspector, and other duly authorized employees or representatives of the Village of Vermontville, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, testing, in accordance with the provisions of this Chapter.

**2.9 CONDITIONS OF SERVICE**

- A. The Village Council shall establish by resolution a privilege to connect charge which shall consist of a base fee plus the amount of actual costs of materials and labor to connect with the sewer main. The Village of Vermontville shall install that portion of the service from the main to the lot easement line. The size and shape of the building sewers shall be subject to the approval of the authorized personnel of the village, but, in no event shall the line be less than six (6) inches in diameter.

- B. Applications may be cancelled and/or sewer service disconnected by the Village for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- 1) Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
- 2) Nonpayment of bills.

- 3) Improper or imperfect service pipe or fixtures or failure to keep the same in suitable state of repair.
- C. Billings. Bills and notices relating to the conduct of the business of the village will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the village, and the village shall not be otherwise responsible for delivery of any bill or notice nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.
- D. Due Date. Bills are due on the thirtieth (30th) day of each month.
- E. Late Penalty. All bills not paid by the thirtieth (30th) day of the month, shall be termed delinquent, and a ten (10%) per cent penalty shall be added to the bill. If said bill is not paid within thirty (30) days after the due date, the water/sewer service to the customer will be discontinued.
- F. Deposits. Where the water or sewer service to a customer has been discontinued for nonpayment of a delinquent bill, the Village reserves the right to require a sum, to be set by resolution of the Village Council, for deposit with the Village without incurring any interest for the purpose of establishing credit with the Village. Any connection or resumption of services will not be made until all past due delinquent bills and any applicable turn on fees are paid.
- G. The Village shall make all reasonable effort to eliminate interruption of service, and when such interruption occurs, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
- H. The Village shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of service caused by breakage of machinery or stoppage for necessary repairs, and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
- I. The premises receiving sanitary sewer service shall at reasonable hours be subject to inspection by authorized representatives of the Village of Vermontville.
- J. MAINTENANCE OF SERVICES. The owner of property into which Sewer is connected to by a service pipe will be required to install and maintain in perfect order, at his own expense, the said service pipe from the village right of way to his premises, including all fixtures therein provided for removing or carrying sewerage away. In case such service and fixtures are not so kept in repair, the Village of Vermontville may file complaint with the County Health Department for condemnation of said premises. Any expenses incurred in this process shall be paid by the property owner. Revised 4-5-08

## 2.10 PENALTIES

- A. Any person found to be violating any provisions of this Chapter shall be served with written notice by the Village of Vermontville, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, with the period of time stated in such notice, correct and cease all violations.
- B. Any person who shall continue any violation beyond the reasonable time limit given, shall be guilty of a misdemeanor, and upon conviction, be fined not less than five hundred (\$500.00) dollars and/or confined for not more than ninety days in the county jail.
- C. Any person violating any of the provisions of this Chapter shall become liable for any expenses, loss or damage incurred by the village because of such violations to the Village of Vermontville.

**2.11 SEWER CHARGES.** The following charges shall be established by resolution adopted by the Village Council from time to time:

- A. Readiness to serve charge.
- B. Usage charge shall be based on water meter reading.
- C. Late Penalty. There shall be a 10% penalty added to all bills not paid within thirty days.

## CHAPTER 3. PLATS AND STREETS

- 3.1 APPLICABILITY.** To establish proper procedure and standards for the design and construction of all streets, both public and private, in plats, it is deemed necessary to adopt these requirements. Inspection, both field and office, of submitted streets in plats and the approval of these streets shall be based on the requirements as outlined in this publication. The contents of this publication do not supersede any part of Act 288, Public Acts of 1967, as amended, and is intended for use only as an instrument to expedite the processing of proposed plats in the Village of Vermontville, Eaton County.
- 3.2 ORDER OF PROCEDURE.** The following steps, which will be explained in detail in subsequent sections, will be followed by considering any plat:
- A. Approval of a Preliminary Plat.
  - B. Approval of Construction Plans for Road and Utilities.
  - C. Construction of Roads and Utilities.
  - D. Final Inspection Approval and Acceptance of Constructed Road.
  - E. Approval of Final Plat.
- 3.3 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms in this Chapter shall be as follows:
- A. A.A.S.K.T.O.: The American Association of State Highway and Transportation Officials.
  - B. ASTM: The American Society for Testing Materials.
  - C. Board: The Board of County Road Commissioners of the County of Eaton, State of Michigan.
  - D. Clear Vision Area: Additional right of way which may be required at or near intersections which must be kept free of obstructions in order to provide adequate sight distance for motorists.
  - E. County Engineer: The Engineer-Manager or other representative designated by the Board to carry out the duties entailed by the Subdivision Act and these Subdivision Regulations.
  - F. Final Plat: A map of all or part of the subdivision prepared and certified by the Proprietor's Engineer or the Proprietors Land Surveyor in accordance with the requirements of the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended.
  - G. Governing Body: Township Board, City Council or Village Board having Jurisdiction of the land in which the plat is to be located.
  - h. Laboratory: Any materials testing laboratory, which is approved by the County Engineer.
  - I. MDOT: Michigan Department of Transportation.

- J. MDOT Specifications: The current edition of Michigan Department of Transportation Standard Specifications for Construction.
- K. Pre-Preliminary Plat: A Pre-Preliminary Plat is a sketch plan or informal plan drawn to scale and may be in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of the proposed subdivision.
- L. Preliminary Plat: A map showing the preliminary layout of subdivision in sufficient detail to allow review by the Board and other interested agencies.
- M. Proprietor: A natural person, firm, association, partnership, corporation or combination of any of them which may hold ownership interest in land whether recorded or not.
- N. Proprietor Engineer or Proprietor's Land Surveyor:
  - 1) With reference to the Preliminary Plat, and/or the Final Plat means a civil engineer who is licensed in the State of Michigan as a licensed professional engineer or a land surveyor who is licensed in the State of Michigan as a licensed land surveyor and who is representing the Proprietor.
  - 2) With reference to design and construction plans means a civil engineer who is licensed in the State of Michigan as a licensed professional engineer and who is representing the Proprietor.
- O. Rural or Rural Area: All areas of Eaton County not designated as urban.
- P. Service Road: A roadway, either public or private, which generally parallels a public road, and which serves to separate the public road from adjacent land use. A service road limits access to the through road while providing for free circulation of local traffic for the adjacent land use.
- Q. Subdivision Control Act of 1967: Act 288 of the Michigan Public Acts of 1967 and all amendments thereto.
- R. Urban or Urban Area: The urbanized area of Eaton County defined as all of the Charter Townships of Delta, Windsor and Oneida, and those areas of the remaining townships which lie within two (2) miles of the corporate limits of the following cities and villages: Charlotte, Eaton Rapids. Olivet, Bellevue, Vermontville, Sunfield, Mulliken, Potterville, or such other areas that the Board deems necessary.
- S. Utilities: All persons, firms, corporations, co-partnerships or municipal or other public authority providing gas, electricity, water, steam, telephone, sanitary sewer, storm sewer or other services of a similar nature. Also included is the service that these utilities would provide.

### 3.4 GENERAL REQUIREMENTS

- A. The terms of this Chapter shall not supersede any part of the Subdivision control Act of 1967.
- B. A Pre-Preliminary Plat may be made by a Proprietor or a Proprietor's Engineer to submit to the Village of Vermontville. This Pre-Preliminary Plat should contain basic information

- concerning the proposed development for discussion prior to commencing with the Proprietor's land plans and preliminary designs. The preliminary plat shall be presented to the Village in an informal discussion intended to advise both the Village and the Proprietor of potential conflicts or plans which may have a bearing on the development.
- C. Private roads within plats shall conform to the minimum requirements for public roads as established in this Chapter.
  - D. Streets that are to be public streets in unplatted areas shall conform to Village's procedures for Plat Street Development. The fees covering engineering review costs and construction inspection costs required for these streets and all costs incurred will be paid by the Proprietor.
  - E. Proprietors desiring variations from these requirements may submit their requests in writing to the Council. The Council in cases, which it considers meritorious, may waive individual requirements in specific instances.
  - F. When a proposed plat incorporates an existing village road which is not constructed to current standards, said road shall be reconstructed by the Proprietor as necessary to improve the road to conform with standards acceptable to the Village. The Village Council may require service roads to be constructed by the Proprietor where commercial development is proposed. When a proposed lot is bordered by an interior subdivision street, an existing local road or a primary road, access will be allowed only from an interior subdivision street in the proposed plat.
  - G. Permits shall be obtained from the Village by the Proprietor for any construction within the right-of-way of existing village roads.
  - H. All work, including plans for such work, within any proposed road right-of-way must be reviewed and approved by the Village Council or its Engineer.
  - I. All initially proposed public underground utilities in the street right-of-way shall be installed prior to the construction of the subbase and base of the street. The final determination is to be made by the Council or its Engineer.
  - J. Street base construction and underground utility work shall be accomplished in one construction season, and the final wearing course of the street surface shall be installed after construction traffic and one freeze/thaw season has passed. Proper construction methods and materials shall be used to achieve 95% density of the roadway to the satisfaction of the Council or its Engineer.
  - K. The Council reserves the right, at its discretion, to add requirements and to delete or modify existing requirements in the exercise of its statutory authority to maintain streets in a condition reasonable safe and convenient for public travel.



**3.5 PRELIMINARY REQUIREMENTS.** Approvals of the Preliminary Plat by the Village Council and the Eaton County Drain Commissioner shall be required under the Subdivision Control Act. If a preliminary plat approved by the Council is revised because of requirements of such approving agencies or revisions are otherwise made by the Proprietor, such revisions shall be incorporated in a revised preliminary plat and resubmitted for approval or disapproval by the Council. If approval of other agencies, such as the Michigan Department of Transportation, the Michigan Department of Natural Resources, the Michigan Water Resources Commission and/or the Eaton County Health Department are also required, such approvals must be documented prior to final approval by the Village Council. When received, the final approval of the Preliminary Plat by the Council confers upon the Proprietor for a period of two years from date of approval, the conditional right that the general terms and conditions, under which Preliminary Plat approval was granted, will not be changed.

A. Preliminary Plat. Four (4) copies of the Preliminary Plat layout drawn to scale not smaller than one inch to 200 feet on a 24" x 36" sheet by the Proprietor's Engineer shall be submitted to the Council for approval. The preliminary plat layout shall show plainly all of the following and meet the requirements listed:

- 1) Show locations and extent of property. This shall include a location map showing the plat in relation to the village road system.
- 2) Show plat dimensions on the portion of layout for which approval is requested. Approximate dimensions are sufficient.
- 3) Give the location of the plat with reference to the part of section and township in which the parcel is situated.
- 4) Each initial Preliminary Plat layout shall be accompanied by a topographic map showing relief with not more than two foot contour intervals (referenced to USGS elevation datum) and upon which the overall plat layout is superimposed. Provided the dimension scale allows it without sacrificing other details, the plan layout complete with contours can be submitted as a single unit.
- 5) Show locations and names of proposed streets and alleys together with arrows showing drainage flow.
- 6) Show plainly all-governing conditions such as:
  - a) Adjoining named subdivisions, lot numbers and adjacent named streets.
  - b) State highways.
  - c) Rivers, one hundred-year flood plain datum, natural water courses, existing county or private drains, sewers and cross culverts on existing roads.
  - d) Railroads, cemeteries and parks.

- e) All other features that the location or existence of which might influence the layout of the plat, including streets and driveways, existing and proposed, within 300 feet of the proposed subdivision.
- 7) Show typical cross section of street to be constructed including right of way width, which shall comply with the requirements as established in the Procedures for Plat Street Development.
- 8) Show the name of the Proprietor and Proprietor's Engineer or land Surveyor, with mailing address and telephone number of each.
- 9) In the case where the Proprietor proposes to subdivide a given area but wishes to begin with only a portion of the total area, the original preliminary plat shall include the proposed general layout for the entire area (master plan). The part proposed to be subdivided first shall be clearly superimposed upon the master plan in order to illustrate clearly the method of development, which the Proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the Proprietor is subdivided. If an individual phase is part of a preliminary master plan approved by the Council within the last twenty-four months (24 months), and is in accordance with the current standards, the individual phase will not require separate preliminary approval. However, the individual phase shall require construction plans approved by the Council or its Engineer. The minimum street length to be constructed in each subdivision or phase of a subdivision shall not be less than 500 feet.
- 10) The layout of roads, streets and alleys in the proposed plat shall provide a continuous circuit for travel except when, in the opinion of the Council, the lands are limited in area or are subject to a natural barrier. In such cases a dedication that provides access to a public highway on one end only will be acceptable, if a dedication or easement is given on additional land at its terminus so as to permit turning in a continuous circuit or by some other means approved by the Council. The street layout shall fit the pattern established by the adjacent roads and streets and/or as may be required by the Comprehensive Plan of the Village. All existing public roads, streets or alleys that terminate at the boundaries must be connected with the road and street system of the proposed plat. When the proposed plat abuts unplatted land, provisions shall be made for street extensions to the title line of the unplatted area. In this regard, the Village of Vermontville shall not approve plats which result in the creation of narrow or irregular shaped parcels of land of negligible economic or aesthetic value, where the predominant function of such parcels is to unreasonably deny access to public roads, utilities, or services from adjacent land.
- 11) The edge of pavement, both left and right of the centerline must maintain a parallel alignment. "Elbows" and other non uniform sections of road way will not be allowed.
- 12) All streets and highways, which are extensions of, or in line with, existing streets must carry the names of those in existence. Other streets and highways shall be given such

names as the owner may choose, subject to the recommendation of the Tri County Regional Planning Commission and the approval of the Council.

- 13) Half width streets or alleys will be acceptable only when the boundary of the proposed plat coincides with the boundary of a recorded plat on which a half width street or alley has previously been dedicated.
- 14) Strip type subdivisions along existing roads where access to each lot is from the existing roadway shall be discouraged. The concept of fronting lots on an internal road system is encouraged for reasons of safety.
- 15) The Preliminary Plat shall be filed with the Village Clerk for the consideration by the Council. The Council will give approval or disapproval of the Preliminary Plat in writing within 30 days. If the Preliminary Plat is rejected, the reasons for the rejection will be provided to the Proprietor.
- 16) If construction has not commenced, preliminary plat approval by the Council shall expire after two years from the date of approval unless otherwise extended in writing.
- 17) Approval of the Preliminary Plat shall provide authorization for the Proprietor's Engineer to proceed with the road and drainage plans.

#### B. Preliminary Construction Plans

##### 1) General.

- a) After approval of the Preliminary Plat, three copies of a preliminary road and utility construction plan as prepared by the Proprietor's Engineer covering all the roads within the plat shall be submitted to the Village Council for approval. These plans shall consist of plan and profile drawings and cross sections, which shall comply with the current specifications required by the Council. The preliminary plans shall show all pertinent data necessary to develop construction plans and shall be drawn on standard size (24" x 36") sheets to a scale of not less than one inch to 50 feet.
- b) All dead-end streets shall be provided with a turnaround (cul-de-sac). This treatment shall be designed in accordance with the Council's specifications. Cul-de-sac length shall not exceed 1,320 feet measured from the centerline intersection of the streets to the center point of the cul-de-sac circle. Special consideration may be given by the Council for longer cul-de-sacs for topographic conditions or other unusual situations. Galvanized steel beam guardrails, erected by the Proprietor, shall be required at the stub end of streets, which are temporarily dead-ended at the subdivision limits. At such dead-end streets, the Proprietor will be required to place such signs as the Village Council specifies, informing the public that the street is not a through street. Temporary turnarounds may be required regardless of the length of the stub end street.

- c) Intersections shall not be permitted less than 250 feet apart. Intersections of platted streets entering primary roads shall not be permitted less than 660 feet apart.
  - d) The maximum length of blocks shall be 1,320 feet. The maximum distance between access points (public streets) to abutting property shall be 1,320 feet.
  - e) All streets and alleys shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, county drains, natural watercourses, or constructed tributaries thereto. In the Village of Vermontville, the storm drainage system shall be of the underground type.
  - f) Where ditches, other than standard roadside ditches, or underground drainage are provided, they shall be made a part of the county drain system, by proper legal procedures through the Eaton County Drain Commissioner, and meet all necessary requirements as to right-of-way, easements and permits for use of land.
  - g) No construction of roads or utilities shall be started until the preliminary road and utility construction plans have been approved.
  - h) When the plans are approved or disapproved, such action will be marked on the plans and one copy will be returned to the Proprietor's Engineer. Revised plans will be approved when they show compliance with all requirements. If sidewalk and/or curb and gutter are to be provided in the subdivision they must be detailed in the preliminary road and drainage plans.
- 2) Preliminary Road and Utility Plans. All work within the proposed right of way must have plans reviewed and approved by the Village Council. The plan must show plainly all of the following information:
- a) Plan view with the centerline profile or top of curb profile directly below the plan view.
  - b) Typical cross section of the road to be constructed.
  - c) The proposed grades shall coincide with datum determined by the USGS or USC&GS, if practicable. A permanent benchmark shall be established in the plat and shown on the plans.
  - d) The location, size and depth of all underground utilities used for road drainage within the plat including:
    - i) the sizes, lengths and locations of all cross road culverts.
    - ii) the location and type of inlets and cleanout points for underground drainage systems.
    - iii) the standard plan for all catch basins, inlets, manholes, etc. This may be done by reference to MDOT Standard Plans.

- e) Show locations and profile of all drains outside of the roadway area that are to be utilized for roadside drainage.
  - f) Soil borings will be required and shown on the plans if unstable soils are present.
  - g) The preliminary utility plan may be superimposed on the preliminary road plan if this can be done without sacrificing clarity.
- 3) Locations for underground utilities:
- a) Storm sewers: Either side, 13 feet from property line.
  - b) Sanitary sewers: Near centerline of roadway.
  - c) Water Mains:
    - i) North side of road, near 8 feet from property line.
    - ii) West side of road, near 8 feet from property line.
  - d) Gas Mains and Electric:
    - i) South side of road, near 8 feet from property line.
    - ii) East side of road, near 8 feet from property line.
    - iii) Depth of cover in roadway, 48 inch minimum.
    - iv) Depth of cover outside of roadway, 36 inch minimum.
  - e) Other: By approval of the Village Council.
- C. Right-of-Way Requirements. The following road right-of-way requirements shall be the minimum standards acceptable, unless adjusted by the Council, pursuant to Section 3.4, K, of this Chapter.
- 1) All street construction shall be centered on the street right-of-way. Section line and quarter line roads shall be centered on those lines unless the Council approves an exception.
  - 2) State or U.S. highways shall be of the width required by the Michigan Department of Transportation.
  - 3) All primary roads and local roads (excluding subdivision streets) shall be a minimum right-of-way width of 100 feet.
  - 4) Residential subdivision street right-of-way shall be a minimum width of 66 feet.
  - 5) One way streets may have a minimum of 33 feet.
  - 6) The right-of-way on all curvilinear streets shall be the same width as the right-of-way on the tangents.

- 7) Widths of right-of-way in excess of the widths required above may be required by the Council when considered necessary due to situations including, but not limited to, commercial areas, multilane roadway, non-motorized travelways, utilities, cut or fill sections of roadway, clear vision areas, or for reasons of safety.

### 3.6 FINAL PLANS AND SPECIFICATIONS FOR STREET CONSTRUCTION

- A. Construction Plans. The construction plans shall be of the same dimension and clarity as the preliminary construction plans. The approved preliminary construction plans may be used as final construction plans if approved by the Council or Village Engineer. If a change in the road design effects a utility, the Proprietor's Engineer shall inform the utility owner. The drawings shall include drawings of all construction details, paving layout, sanitary sewer layout, water main layout and drainage layout, together with profiles of the above. The plan and profile drawings shall be on standard size 24" x 36" sheets with horizontal scale not smaller than 1" = 50' and vertical scale not smaller than 1" = 5'. The construction plans shall include the following drawings and shall bear the seal of a professional engineer licensed to practice in Michigan.
  - 1) Typical cross section
  - 2) Paving and drainage layout
  - 3) Sanitary sewer and water main layout
  - 4) Construction details referred to
- B. Pavement Requirements. The requirements for sub-base, base and pavement shall be as set forth in Tables B-1 and B-2 on the following pages:

TABLE B-1 TYPICAL PAVEMENT SECTIONS – URBAN

Pavement Section/ Design Feature	Light Residential Section	Medium Heavy Residential Section	Heavy Residential Section	Indus.or Heavy Commercial Section
No. of Lots Served	0-25	26-50	51+	----
Width of R/W. ft.	66	66	66-80	66-100
<b>BITUMINOUS PAVEMENT WITH GRANULAR BASE:</b>				
Curb & Gutter, Face to Face, ft.	30	30	36	To be determined
Bit. Top, inches	1.5	1.5	2	To be determined
Bit. Leveling	2.5	2.5	3	To be determined
22A Aggregate Base, inches	8	8	8	8
Chase II, Subbase, inches	8	8	12	12
Edge Drain, inches	4	4	6	6
<b>FULL DEPTH ASPHALT PAVEMENT:</b>				
Curb & Gutter, Face to Face, ft.	30	30	36	36 Minimum
Bit. Top, inches	2	2	1.5	2
Bit. Leveling	----	----	1.5	2
Bit. Base, inches	5	6	6	6
Subbase Under Curb And Gutter, inches	8	8	12 or 8 w/C4 C & G	12 and C4 C & G
Edge Drain, inches	4	4	6	6
<b>CONCRETE PAVEMENT:</b>				
Curb & Gutter, Face to Face, ft.	30	30	36	36-60

Portland Cement Concrete, inches	6	6	7	9
Class I Subbase, inches	6	6	6	6
Edge Drain, inches	4	4	4	4



TABLE B-2 TYPICAL PAVEMENT SECTIONS - RURAL

	Light	Medium	Heavy	Indus. Or Heavy
Pavement Section/ Design Feature	Residential Section	Residential Section	Residential Section	Commercial Section
No. of Lots Served	0-25	26-50	51+	----
Width of R/W, ft.	66	66	66-80	66-100

## BITUMINOUS PAVEMENT WITH GRANULAR BASE:

Width of Surfacing, Edge to Edge, ft	22	22	24	To be determined
Shoulder Width ft	3	4	6	To be determined
Bit. Leveling, inches	1.5	1.5	2	To be determined
22A Aggregate Base, inches	8	8	8	8
Class II, Subbase, inches	8	8	12	12
Edge Drain, inches	----	----	----	6

## FULL DEPTH ASPHALT PAVEMENT:

Width of Surfacing, Edge to Edge, ft	22	22	24	33
Shoulder Width, ft	3	4	6	C-4 Curb Gutter
Bit, Top, inches	2	2	1.5	1.5
Bit, Leveling, inches	----	----	1.5	1.5
Bit, Base, inches	5	6	6	8
Subbase Under Curb, inches	----	----	----	12
Edge Drain, inches	----	----	----	6

## CONCRETE PAVEMENT:

Curb & Gutter, Face to Face, ft.	30	30	36	36-60
Portland Cement Concrete, inches	6	6	7	9

Class II Subbase, inches	6	6	6	6
Edge Drain, inches	4	4	4	4

### C. Alignment.

- 1) Minimum sight distance onto existing county roads from subdivision streets shall be as follows:
  - a) Stopping sight distance shall meet or exceed the desirable stopping sight distance in accordance with Table 1 - Minimum Stopping Sight Distance, (See Appendix to this Chapter, Example F).
  - b) Comer sight distance at internal subdivision intersections shall meet or exceed Table 2-Corner Sight Distance at Rural Intersections, (See Appendix to this Chapter, Example F).
  - c) Comer sight distance at an intersection of a subdivision street with a local road or primary road shall meet or exceed the distance in Table 3 - Subdivision Corner Sight Distance at a Local Road or Primary Road Intersection (See Appendix to this Chapter, Example F2).
  - d) Special conditions, in the Village's judgment, may warrant adjustments to the above standards. (See Appendix to this Chapter, See Design Tables - Examples B, C, & D).
- 2) Vertical curves shall be designed with a minimum length of 100 feet and a minimum sight distance as required in Section 3.6, C, l), a), above.
- 3) Horizontal curves shall be designed with a minimum centerline radius as shown in Table 4 - Minimum Horizontal Curves (Centerline Radius). (See Appendix to this Chapter, Example F2).
- 4) The minimum grade on any street shall be 0.5 %.
- 5) The maximum grade on any street shall be 5.0 %.
- 6) The crown on any street shall be 2.0 %.
- 7) A minimum edge radius of 30 feet shall be provided at 90-degree intersections within the subdivision streets and where intersecting streets meet the existing village roads.
- 8) Intersection streets should meet at approximately a 90-degree angle. Skewed intersections shall not be permitted. Edge radii of skewed intersections shall be increased as necessary to comply with current AASHTO guidelines.
- 9) Where intersecting streets meet existing street/roads the grade of the proposed street shall match the cross slope of the existing street/road as extended to the right-of-way lines.

### D. Storm Sewer

- 1) Design

- a) Size shall be in accordance with the Eaton County Drain Commissioner's design standards and approved by the Eaton County Drain Commissioner and the Village Engineer.
  - b) Material shall meet the requirements of the current MDOT Standard Specifications for Construction.
- 2) Structures and Covers
- a) All structure design shall be in accordance with the current MDOT Standard Plans for Manholes, Catchbasins and Inlets.
  - b) Covers - all structure covers shall be in accordance with current MDOT Standard Plans, or approved equivalent.
- 3) Spacing of Structures
- a) Catchbasins and inlets and culverts shall be placed such that all intersections, low points and necessary intermediate points are properly drained or as indicated and approved by the Village Engineer.
  - b) The drainage structures should, if practical, be placed in alignment with the side lot lines and/or their intersection to avoid conflict with driveway openings.
  - c) Manholes shall be located at all changes in alignment, size or grade and be spaced a maximum of approximately 300 feet apart.
- 4) Construction
- All Storm Sewers are to be inspected by the Proprietor's Engineer and shall be true to line and grade and properly bedded and backfilled. See Subsection H. below, Utilities and Backfill.

#### E. Roadside Ditches and Crossroad Culverts

1. The minimum ditch grade shall be 0.5%. Grades from 1% to 4% shall be sodded. Grades over 4% shall be rip-rapped or paved. Grades of ditches less than 1 % shall have an established growth of vegetation provided by topsoiling, seeding and mulching in accordance with the current MDOT Specifications.
2. Where drains cross the roadway at depths of three feet or less, the crossing shall be made with reinforced concrete culvert pipe or as specified by the Eaton County Drain Commissioner.
  - a. Reinforced concrete culvert pipe shall meet or exceed the current specifications of ASTM, Designation C-76, without elliptical reinforcement.
  - b. Corrugated metal pipe shall meet the current specifications of ASTM, Designation M-36.

- c. Materials and methods for construction of culverts shall be in accordance with current MDOT Standard Specifications for Construction.
- 3. Roadside ditches shall be stabilized and free of sedimentation and erosion prior to acceptance of the streets for maintenance by the Village Council.
- 4. Where drainage ditches, other than standard roadside ditches, or where enclosed drainage is provided, all shall be made part of the Village of Vermontville by the proper legal procedures and shall meet all the necessary requirements of the Eaton County Drain Commission if applicable. Proprietor or proprietor's engineer or agent shall provide certified written acceptance by the Eaton County Drain Commission, if applicable of all drainage areas, systems, facilities and structures accepted and adopted into the Village Drain System.
- 5. The maximum distance that surface water may be carried in an open roadside ditch should be 600 feet.
- 6. The Proprietor shall provide an acceptable system of drainage to enable lot owners to drain sump pump outlets, roof drains and similar private drainage. In all cases, discharge of any water or drainage on the roadway is prohibited.
- F. Clearing and Grubbing. All trees and brush including the roots thereof shall be removed from the right-of-way of the streets within the limits of the subdivision, unless otherwise permitted in writing by the Council or its Engineer.
- G. Existing Road Cleanup. Ditches along existing roads shown on the plat shall be cleaned out to such a depth as to provide positive drainage. All brush, fences, obstructions, etc., shall be removed from the right-of-way. Trees shall be removed as directed by the Village Council or its Engineer.
- H. Utilities and Backfill. All utilities should be located in accordance with Section 3.5, B, of this Chapter and all lot or house services stubbed to the right-of-way line prior to curb and gutter construction. All public underground utilities shall be installed after the rough grading has been completed. (See Appendix to this Chapter, Example K).
  - 1) Trench Backfill in Roadway: The following standards shall apply to all utilities located within an area delineated by a 1 on 1 slope measured from a point on the bottom of the back of curb or a point on the outside edge of shoulder. At all times, MDOT Class II Granular material shall be placed and compacted to least one foot above any buried pipe with minimum 95% compaction. Sound native material may be used for backfill from one foot above pipe to top of subgrade. Ninety five percent compaction shall be obtained on all material, and shall be verified by density tests.
  - 2) Catchbasin and Manhole Backfill in Roadway: At all times, structures shall be backfilled with MDOT Class II granular material, compacted to the same requirements for trench backfill in roadway.
- I. Finished Earth Grade. The finished subgrade shall be free of all topsoil, stones, stumps, organic matter, muck, peat, and frost heave material and shall be prepared in accordance with the current MDOT Standard Specifications for Construction. The backfill of all

trenches (such as trenches for sewer, water, utility or culverts) that are within the grade of the proposed streets shall be thoroughly compacted. The entire width of the right -of-way shall be graded so that any point on the right -of-way shall be not more than 1.0' above or below the finished centerline grade. The Village Engineer may vary this requirement if topographic conditions warrant.

J. Subbase Base Material and Construction Methods

- 1) Subbase and base materials and construction methods for this placement shall be in accordance with the current MDOT Standard Specifications for Construction.
  - a) The Proprietor's Engineer shall present to the Village Representatives a Certified analysis, made by a laboratory, of all aggregates that are intended to be used on the streets. This analysis must be presented and approved before any surfacing is placed on the streets.
  - b) The use of bituminous base course mixture is permissible. The method of construction shall be according to Section 4.00 of the current MDOT Standard Specifications for Construction laid at a compacted uniform depth as shown in Tables B-1 or B-2 in two or more courses. A tolerance of one quarter inch, plus or minus, will be allowed in the compacted bituminous aggregate base course. The bituminous mixture shall be in accordance with the current MDOT Standard Specifications for Construction Section 7.10 for Bituminous Base Mixture No. 700, 20C Aggregate
- 2) The completed aggregate or bituminous base course shall conform to the required line, grade, and cross section. Water or chemical admixtures to aid in the consolidation of the aggregate base course may be used subject to the prior written approval of the Village Engineer.
- 3) Road construction specifications for industrial streets and/or collector streets will be as outlined in general requirements and as shown on the typical section for industrial streets.

K. Surfacing Materials and Construction Methods

- 1) Bituminous surface courses shall be constructed in accordance with the current MDOT Standard Specifications for Construction Section 4.00. The bituminous mixtures shall be in accordance with the current MDOT Standard Specifications for Construction Section 7.10 for mixture No. 1100, 20AA designation.
- 2) Concrete pavements shall be constructed in accordance with the current MDOT Standard Specifications for Construction Section 4.50. Pavement integral with the curb will be permitted at the option of the proprietor.

L. Sidewalks and Curb and Gutter

- 1) Sidewalks. Sidewalk, when called for on the plans, shall meet the current M.D.O.T. Standard Specifications for Construction. The depth of walk shall be not less than four inches, except at driveways where it shall be not less than six inches. Sidewalk grades shall be shown on the plans, when the walks are to be constructed. Concrete for sidewalk shall meet all requirements of M.D.O.T. Grade 35S concrete.
- 2) Curb and Gutter:
  - a) The roadway, curb elevation, and Village curb and gutter cross section shall be shown on the plans. Materials and methods for construction of concrete curb and gutter shall meet the requirements of the current MDOT Standard Specifications for Construction and shall include three, one half inch reinforcing bars. MDOT Standard C-4 or F-4 curb may be used at the proprietor's option.
  - b) Expansion Joint material shall be placed at all spring points and at 100' intervals. Contraction joints shall be located at 10 foot spacing.
  - c) Either straight faced curb and gutter or rolled curb and gutter may be used at the option of the Proprietor. (See Appendix to this Chapter, Example K).
  - d) All concrete shall meet the requirements for MDOT Grade 35S.
  - e) All standard curb cuts shall be done by sawcutting to a minimum depth of two inches.
- M. Topsoil, Seed, Fertilizer and Mulch. All graded areas within the right-of-way shall be seeded, fertilized and mulched. The methods and time of seeding and mulching shall meet the requirements of the current MDOT Standard Specifications for Construction. All disturbed areas shall be covered with a minimum of 2" of topsoil. No road will be accepted by the Village Council where ditch or bank erosion or sedimentation is evident. All disturbed areas within the road right-of-way, excluding the roadbed, must have vegetative ground cover established to such an extent that washing will not occur.

#### N. Trees

- 1) Tree Planting Standards. Any new trees being planted must be a minimum of 15 feet behind the curb.
2. Existing Tree Standards. The above shall also apply to existing trees except, when in the opinion of the Village Council or Village Engineer, a deciduous tree is of significant aesthetic value and not closer than five feet behind the curb.
- O. Nonspecified Materials and Construction. All items that are not specified within this Chapter but that are essential to the proper construction of the roads in question, shall be of material and construction in accordance with the current MDOT Standard Specifications for Construction.

### 3.7 CONSTRUCTION OF STREETS

#### A. Coordination.

- 1) A preconstruction meeting shall be conducted by the Proprietor's Engineer, including the Village Representative, before street construction commences and a systematic procedure of construction shall be followed.
2. At the start of construction the Village of Vermontville may, or contract to, furnish and install a sign(s) stating, "STREET NOT OPEN FOR PUBLIC TRAVEL", at each access point to a public road or extension of a public road until the Village Council determines that the roadway is reasonably safe for the public to travel. The actual cost of the installation and maintenance of such sign(s) shall be included in the street sign installation fee and shall be paid by the Proprietor.

#### B. Inspection and Testing

- 1) Inspections may be made by the Village Engineer prior to and during any construction operations. Any road cuts made after the placing of the aggregate base shall be properly backfilled and compacted.
- 2) Inspection by the Village Engineer shall not relieve the Proprietor's Engineer of any of his obligations. The Proprietor's Engineer shall inform the Village Engineer or Representative of the start of the various stages of any construction within the street right of way, and keep him informed as the work progresses. The Proprietor's Engineer shall furnish copies of laboratory and field test results, inspection reports, and related information regarding the quality and progress of the work to the Village Representative or Village Engineer in a timely manner during the course of construction.
- 3) The Proprietor's Engineer shall set and check grade and alignment, supervise all construction, and make all inspections necessary during all phases of construction to verify that proper materials and construction methods are used, and that the work conforms to the approved plans and specifications.
- 4) Construction on, or use of, frozen material shall be prohibited.
- 5) Minimum testing requirements shall be documented by the Proprietor's Engineer as follows:
  - a) Subgrade - visual inspection that all unstable material is removed. Uncertain situations may warrant soil borings and/or testing of questionable soils. A minimum 2% slope in the subgrade surface shall be constructed from the centerline to the edge of the subgrade.
  - b) Subbase - one sieve analysis per 3,000 cubic yards of material. Density tests shall be taken at least once every 400 lineal feet per lift per lane of roadway. Frequency of density test may be increased if compaction is a problem and decreased if



consistent acceptable compaction is obtained. This includes granular material under the concrete curb and gutter.

- c) Aggregate Base - one sieve analysis per 1,200 cubic yards of 22A aggregate. Density tests same as for the subbase.
- d) Concrete Curb & Gutter - proper base construction, air, slump and strength tests of concrete. The concrete shall be tested at least once in the a.m. and once in the p.m. Air content at least once every two hours.
- e) Bituminous Mixtures - one extraction/gradation test per 1,000 tons of each mixture, and/or a minimum of one extraction/gradation per day for each mixture.

C. Acceptance and Maintenance.

- 1) After construction of the roads, streets, alleys and drains is completed, the Proprietor shall furnish the Council with a letter requesting an inspection by the Village Engineer, a certificate (See Appendix to this Chapter, Example J) from the Proprietor's Engineer, a set of as built plans reflecting field changes, and a letter from the Eaton County Drain Commissioner stating that the storm drainage system within the plat is a part of the County drain system, if needed (applicable).
- 2) If the work is not complete and acceptable, the Proprietor and the Proprietor's Engineer will be notified by the Village Engineer as to the deficiency. The Village Engineer will make a re-inspection of the work after being notified by the Proprietor that the deficiencies have been corrected.
- 3) Approval of any construction phase by the Village Engineer does not guarantee acceptance by the Council or relieve the Proprietor of responsibilities or liabilities incurred by the development of the plat.
- 4) When all plat procedures have been completed satisfactorily, the Final Plat will be recommended by the Village of Vermontville Engineer for signature by the Council.
- 5) The Village of Vermontville will assume maintenance of the street(s) if the construction has been accepted by the Vermontville Engineer and the plat has been recorded at the Eaton County Register of Deeds. However, before assuming maintenance, if any material or reconstruction is required, it shall be accomplished at the expense of and by the Proprietor.
- 6) If the Village of Vermontville has assumed maintenance of streets that have not received the final bituminous top course, only routine maintenance such as blading for snow removal will be included at Village expense. Any maintenance, other than routine maintenance, completed by the Village, shall be at the Proprietor's expense.
- 7) In no case will a partial acceptance of a street in the plat be given for maintenance.

### 3.8 PROCEDURES WHEN STREET-IMPROVEMENTS ARE MADE AFTER APPROVAL OF THE FINAL PLAT

- A. Escrow Agreements. If the Proprietor has entered into a street construction agreement and/or a bituminous pavement agreement with escrow funds deposited to guarantee the

completion of all street improvements in accordance with the Council's specifications, the Council may approve the Final Plat upon execution of the agreements and the deposit of the funds.

- 1) Escrow agreements covering street construction and/or pavement shall be furnished by the Council. The agreements shall be for approximately a one year period or longer. (See Appendix to this Chapter, Examples G & H).
  - 2) Deposits shall be in the form of cash, certified checks, certificates of deposit or an irrevocable bank letter of credit. (See Appendix to this Chapter, Example I).
  - 3) The amount of the deposit required shall be equal to at least 100 percent of the Village Engineer's estimate of the cost of the street improvements.
  - 4) If the streets are not completed and in acceptable condition within the terms of the escrow agreement or one year after the approval of the Final Plat by the Council, the Proprietor will be held in default and procedures will be taken to have the streets completed.
  - 5) The deposit will be released upon receipt of the final certificate from the Proprietor's Engineer and copies of acceptable test results for construction materials and approval of the construction of the streets by the Village Engineer.
  - 6) The Council will rebate to the Proprietor, as work progresses, amounts of any deposits equal to the ratio of the work completed to the entire project. However, a minimum balance of \$5,000 shall be retained until all items of work in the agreement are complete and acceptable to the Village Engineer.
- B. Insurance Requirements. The Proprietor, prior to performing any work within any existing or proposed county road right-of-way and continuing through completion of the project, shall furnish to the Eaton County Road Commission, and maintain, the following:
- 1) Copy of Comprehensive General Liability Certificate, naming the Village of Vermontville and its Employees, as an Additional Named Insured under the contractors Comprehensive General Liability Certificate, with minimum policy limits of \$500,000 per occurrence. The Legal Committee and the Village President shall be authorized to perform a review process to determine whether higher limits of insurance coverage will be required according to risk exposure, size of plat or ultimate size of the plat, location, any unique characteristics, current stage of construction of the road right-of-way, and including any other criteria pertinent to the individual plat. The policy should protect against all risks of liability typically associated with the work performed, Including but not limited to, coverage for products and completed operations, coverage for property of others in the contractors care, custody and control, coverage against the perils of explosion, collapse and underground hazards, XCU, and contractual.
  - 2) A Certificate of Insurance covering Workers' Compensation Insurance, as required under the Michigan Workers' Compensation Act.

- 3) In the alternative, rather than comply with Section 3.8, B, 1), the Proprietor shall provide an Owner's Protective policy naming the Proprietor and Village of Vermontville and its Employees, as a named insured covering the project as described in the proposal. Limits of the coverage under the Owners Protective policy shall be the amount of limits indicated in Section 3.8, B, 1).

### 3.9 FEES

- A. Street Construction Fee. A fee in the amount of 1% of the Village Engineer's estimate of the total cost of construction, not including drainage and pavement, of the street improvements shall be paid to the Village of Vermontville prior to construction and plat approval. This fee is to cover administrative costs and inspections made by the Village Engineer in relation to the plat and/or street construction agreement, (See Appendix to this Chapter, Example G) and shall be paid in cash.
- B. Bituminous Pavement Agreement. The pavement contractor's equipment and work force shall be adequate in terms of capability and scope to perform the work in a satisfactory manner as determined by the Village Council. The amount of the escrow funds required shall be estimated by the Village Engineer. The estimate shall include a fee, to be paid to the Council, to cover the Council's expenses for administrative costs, engineering, inspections and testing, based on the following schedules:
  - 1) Bids taken by Village of Vermontville:
    - a) A base fee of \$450 will be charged to the Proprietor of all plats.
    - b) When the actual cost for all pavement construction exceeds \$15,000, a charge of three percent (3%) of the actual cost of pavement construction of the surface of the streets in the plat will be made in lieu of the base fee.
  - 2) Bids taken by the Proprietor. When the Proprietor hires a pavement contractor, the Council's fee shall be the base fee in Section 3.9, B, 1),. above plus the actual cost incurred by the Village Council to provide the necessary engineering, inspection and testing.
- C. Sign Fee. The Proprietor shall pay to the Council, the amount necessary to furnish and erect street name signs and traffic control signs and devices as determined necessary at locations specified by the Vermontville Engineer. The payment shall be made to the Council prior to Final Plat approval.
- D. Permits.
  - 1) All work scheduled within existing and proposed right-of-way of roads and streets must have plans reviewed and approved by the Village Engineer or its representative.
  - 2) If the schedule work is within the proposed right-of-way of streets or within right of way of roads dedicated in the plat, and is included in the construction plans approved by the Village Engineer and the street has not been accepted by the Village of Vermontville for maintenance or repairs, a permit will not be required.

- 3) If the work is within the right of way of an existing road or street, a permit is required, including the applicable fee, from the Village of Vermontville.
- 4) If the work is not included in the construction plans approved by the Village Engineer or the street has been accepted by the Village of Vermontville for maintenance, a permit, including applicable fee, is required from the Village of Vermontville.
- 5) Where public utilities are installed under a permit issued by the Village of Vermontville to a township, city or public utility, fees will be charged for necessary road restoration only.
- 6) All driveways installed prior to acceptance of the street for maintenance will be inspected during final inspection. If not included on the construction plans, a driveway shall require a completed driveway permit, including applicable fee, processed through the Village of Vermontville.

ARTICLE ONE  
CHAPTER 3 – PLATS AND STREETS

APPENDIX

EXAMPLES OF REQUIRED DOCUMENTS  
AND  
SKETCHES OF OTHER REQUIREMENTS

## CHAPTER 4. SIDEWALKS

- 4.1 APPLICABILITY.** All sidewalks hereinafter constructed, replaced, or repaired within the limits of any of the public streets of the village of Vermontville shall be constructed in accordance with the sidewalk specifications existing at the time of construction, regulating the line, grade, width, materials and manner of construction as said specifications are adopted by the resolution of Village Council.
- 4.2 COST SHARING.** The cost of all sidewalks hereinafter constructed, repaired or replaced within the limits of any of the public streets of the Village of Vermontville in conformity with the existing specifications as provided for in Section 4.1 shall be borne in the following proportions:
- A. One-half (1/2) of the cost, as approved by the Village Council by resolution prior to construction, repair or replacement, shall be borne by the Village of Vermontville.
  - B. One-half (1/2) of the cost shall be borne by the property owners of the respective premises to or abutting upon such sidewalk(s).
- 4.3 REQUESTED REPAIRS.** The Village Council may, when requested by any property owner or property owners, construct, change, or repair any sidewalk upon such terms and conditions as agreed upon by said property owner or property owners, provided the cost thereof shall be paid as provided in Section 4.2, A, hereof.
- 4.4 REQUIRED SIDEWALK CONSTRUCTION AND REPAIR.** The Village Council may direct sidewalks to be constructed or repaired without the consent of the property owner where the Council deems such to be in the best interests of the public health, safety, and welfare -- such sidewalks to be paid as provided in Section 4.2, A, hereof.
- 4.5 SPECIAL ASSESSMENTS.** Payments can be made quarterly, yearly or all at once at no interest. In the event the property owner fails to pay the cost of said sidewalk within thirty (30) days after demand for payment is made, then the cost thereof may be levied on the premises as a special assessment and placed on the tax rolls of such property.
- 4.6 PENALTIES.** There shall be no civil penalties in connection with the enforcement of the terms of this Chapter.

## Chapter 7. Property Conveyence

### Ordinance Number 07-02

AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF CERTAIN VILLAGE -OWNED PROPERTY  
VIA QUIT CLAIM DEED TO THE TOWNSHIP OF VERMONTVILLE AND RELATED MATTERS  
THERE TO

THE VILLAGE OF VERMONTVILLE HEREBY ORDAINS:

**Section 1. Conveyance of Village Property.** In accordance with the provisions of Section 4 of the General Law Village Act, Act 3 of the Public Acts of Michigan of 1895, as amended, the Village adopts this Ordinance to authorize the conveyance, by quit claim deed, of certain real property described below (collectively, the "Property") to the Township of Vermontville:

Being part of Lot number one (1), Block number twenty -one (21) in the Village of Vermontville, Michigan. Beginning at the Northeast corner of said Lot number one (1); thence West twenty -six (26) feet; thence South forty (40) feet; thence East twenty -six (26) feet; thence North forty (40) feet to place of beginning.

Also the following description commencing fifteen and one -half (15 1/2) feet South of the Northwest corner of Lot number one (1), Block number twenty -one (21); thence South fifteen and one half (15 1/2) feet; thence East forty (40) feet; thence North fifteen and one -half (15 1/2) feet; thence West forty (40) feet to place of beginning.

**Section 2. Current Use of Property.** The Property has not been designated, and is not currently used as park property for or by the Village.

**Section 3. Execution and Delivery of Conveyance Documents .** The Village President and the Village Clerk are hereby directed and authorized to execute and deliver on behalf of the Village quit claim deeds and all necessary instruments and documents for the conveyance of the Property as set forth in this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

Passed and adopted by the Village of Vermontville on August 2, 2007. Revision L

VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES

**ARTICLE TWO: ZONING**

The ordinances adopted by the Village of Vermontville pertaining to the zoning of lands within the Village pursuant to Act 207 of 1921, as amended are assembled in this Article Two: Zoning. The zoning ordinance consists of Chapters 5 through 30 and is maintained as a separate volume.



VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES  
**ARTICLE THREE: LAND DIVISION AND CONDOMINIUM  
SUBDIVISIONS**

The ordinances adopted by the Village of Vermontville pertaining to the division of lands within the Village and Private Roads are assembled in this Article Three: Land Divisions and Condominium Subdivisions.

**CHAPTER 31 LAND DIVISIONS**

- 31.1 TITLE.** This Chapter may be cited as the "Village of Vermontville Land Division Ordinance." The regulations of this Chapter are adopted pursuant to the statutory authority of Act Number 288 of the Michigan Public Acts of 1967, as amended, the Land Division Act.
- 31.2 APPLICABILITY.** This Chapter shall apply to all land divisions as governed by the provision of the Land Division Act, Act 288 of the Michigan Public Acts of 1967, as amended. Approval of any land division does not constitute use approval of any such division. Such use of land shall comply with Article Two - The Village of Vermontville Zoning Ordinance or any other applicable ordinance or regulation.
- 31.3 HIGHER STANDARDS TO APPLY.** It is not intended by the Chapter to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, or of any private restrictions placed upon property by covenant, deed, or other private agreement, provided, however, that where any provision of this Chapter imposes more stringent requirements, regulations, restrictions, or limitations upon use of the use of land and buildings, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Chapter shall govern.
- 31.4 PURPOSE.** The purpose of this Chapter is to regulate the division of land within the Village of Vermontville to promote the public health, safety, and general welfare, and to further the orderly layout and use of land, to require that land be suitable for building sites and public improvements, to ascertain that provisions are made for adequate drainage, ingress and egress, and to ensure that land divisions are correctly and accurately approved, recorded, and filed.
- 31.5 DEFINITIONS.** Definitions of words(s), terms, and phrases of this Chapter, are included and made a part of this Chapter from the Land Division Act of 1967, as amended, are as follows:
- A.. "Plat" means a map or subdivision of land.
- B. "Land" means all land areas occupied by real property.

- C. "Preliminary Plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.
- D. "Division" means the partitioning or splitting of a parcel or tract of land the proprietor thereof or any by his or her heirs, executors, administrators, legal representative(s) - as allowed or meeting the requirements of legal representative(s), successors, or assigns that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Chapter or the requirements of the Land Division Act of 1967.
- E. "Exempt Split" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, representatives, successors, or assigns that does not result in one (1) or more parcels of less than forty (40) acres or the equivalent. For a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this Chapter and the Land Division Act.
- F. "Subdivide" or "subdivision" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent and that is not exempted from the platting requirements of the Land Division Act of 1967, as amended, Sections 108 and 109. "Subdivide" or "subdivision" does not include the property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to this Chapter or the Land Division Act of 1967, or the requirements of other ordinances or the general charter of the Village.
- G. "Parcel" means a continuous area or acreage of land which can be described as provided for in the Land Division Act. That is, property description.
- H. "Tract" means two (2) or more parcels that share a common property line and are under the same ownership.
- I. "Parent Parcel" or "Parent Tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.
- J. "Accessible," in reference to a parcel, means that the parcel meets one (1) or both of the following requirements:
  - 1) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of State Transportation Department and the Village of Vermontville, reference Public Act 200 of 1969, or has an area where a

driveway can provide vehicular access to an existing road or street and meet all such applicable standards.

- 2) Is served by an existing easement that provides vehicular access to an existing road or street that meets all applicable standards of the Department of Transportation, and the Village of Vermontville, again using Public Act 200 of 1969. Or, can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet any and all location standards.
- K. "Development Site" means any parcel or lot on which exists or which is intended for the building development other than the following:
- 1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops, and field crops, as well as dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing of cattle, swine, sheep, and similar animals. And berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
  - 2) Forestry use involving the planting, management, or harvesting of timber.
- L. "Forty Acres or the Equivalent" means forty (40) acres, a quarter-quarter section containing not less than thirty (3) acres, or a government lot containing not less than thirty (30) acres.
- M. "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.
- N. "Outlot," when included within the boundary of a recorded plat, means a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.
- O. "Proprietor" means a natural person, firm, association, partnership, limited liability corporation, corporation, or any combination of them that holds an owner interest in land whether recorded or not.
- P. "Governing Body" means the Village of Vermontville Council.
- Q. "Municipality" means the Village of Vermontville.
- R. "County Plat Board" means the Register of Deeds of Eaton County, who is the chairperson by statute, the County Clerk, the Secretary by Statute.
- S. "Public Utility" means all persons, firms, corporations, copartnerships, or Village of Vermontville or other public authority providing water, sewer, steam, electricity, telephone, gas, or other services of a similar nature.
- T. "Caption" means the name by which the plat is legally and commonly known.
- U. "Replat" means the process of changing, or the map and plat which changes, the boundaries of a recorded subdivision or plat thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a plat.

- V. "Surveyor" means a professional surveyor licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of 1980 339.2001 to 339.2014 of the Michigan compiled laws.
  - W. "Engineer" means a civil engineer who is a professional licensed under Article 20 of the Occupational Code, Act 299 of the Public Acts of Michigan, 339.2001 to 339.2014, of the Michigan compiled laws.
  - X. "Government Survey" means the land surveyed, subdivided and monumented by the United States Public Land Survey.
  - Y. "Michigan Coordinate System" means the system defined in Act 9 of the Public Acts of 1964, being 54.231 to 54.239, of the Michigan compiled laws.
  - Z. "Alley" means a public or private right-of-way shown on a plat which provides
  - AA "Health Department" means the Department of Environmental Quality, a City or Village Health Department, Eaton County Health Department, or a District Health Department whichever has jurisdiction.
  - BB "Public Sewer" means the Village of Vermontville sanitary sewer system.
  - CC "Public Water" means the Village of Vermontville water distribution system for drinking water and household/business uses.
  - DD "Topographical Map" means a map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
  - EE. "Flood Plain" means that area of land adjoining a channel of a river, stream, water course, lake, or other similar body of water which will be inundated by a flood which can reasonably be expected for that region or area.
- 31.6 APPLICATIONS.** An application for land divisions shall be submitted through the Village Clerk and copies given to all elected officials of the Village of Vermontville. Each application shall be accompanied by the following:
- A. A fee set by resolution by the Village Council.
  - B. A completed application form as provided by the Village of Vermontville.
  - C. A complete and accurate legal description of each proposed lot or parcel, created by the land division.
  - D. A detailed written description of the development planned for such land divisions, including a description of any proposed association or entity which shall be responsible for operation and maintenance of any private streets, open spaces or other similar uses or activities.
  - E. A graphic or written description of any previous land division from the parent parcel, including the size, number, and date of such divisions.

- F. Evidence of approvals from the Village of Vermontville Department of Public Works, and/or the Eaton County Health Department as well as any requirements from the Department of Environmental Quality.
- G. Three (3) copies of a complete tentative map drawn to scale, which shall not be less than one (1) inch = twenty feet for property totaling under three (3) acres, and at least one (1) inch - one hundred (100) feet for those totaling three (3) acres or more. The parcel map shall be prepared by a registered engineer or land surveyor.
- H. The tentative parcel map shall include, at a minimum:
  - 1) Date, north arrow, scale, and name of the individual or firm responsible for the completion of the tentative parcel map.
  - 2) Proposed lines and their dimensions.
  - 3) Location and nature of proposed ingress and egress locations to any existing public or private streets.
  - 4) The location of any public or private street, driveway, or utility easements to be located within any proposed lot or parcel. Copies of the instruments describing and granting such easements shall be submitted with the application.
  - 5) General topographical features including contour intervals no greater than ten (10) feet.
  - 6) Any existing building, public or private streets, and driveways within one hundred (100) feet of all proposed property lines.
  - 7) Any applicable zoning descriptions of all proposed lots or parcels.
  - 8) A small scale sketch of properties and streets within one quarter (1/4) mile of the area.
  - 9) Proposed method of handling storm water drainage.
- I. A current paid tax receipt for all property taxes shall accompany an application for a land division.
- J. Land divisions shall be reviewed by the Village Planning Commission which shall submit its recommendation to the Village Council. Land Divisions shall be approved by the Village of Vermontville Council. The Village Council shall review the application and such other information available, including recommendations or reports from the respective committees of the Village of Vermontville, any consulting planner, the village attorney(s), engineers, the Department of Public Works, or other parties, including comments and concerns of the affected residents and those not directly affected, or other parties, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed. All applications for land divisions shall not be accepted unless all of the aforementioned requests for materials are submitted and complete, and the application is submitted, along with all required materials, to the Village of Vermontville.

- K. The approval, approval with conditions, or denial of a land division shall be accomplished within thirty (30) days after the filing of a completed, accepted application by the Village Clerk.
- L. Approval of a land division does not grant approval for the use of such divided lot or parcel. Any lot or parcel proposed for division must comply with the requirements of the Village of Vermontville's Zoning and/or Land Use Ordinances or any other applicable ordinances or regulations.
- M. Land division approvals shall be valid for a period of ninety (90) days from the date of approval by the Village of Vermontville Council. If such lots or parcels proposed by the land division not properly recorded and accepted by the Eaton County Register of Deeds within this period, the land division approval shall be considered null and void and a new application shall be submitted in compliance with the requirements of this Chapter.

### 31.7 LAND DIVISION REQUIREMENTS

#### A. Maximum Width to Depth Ratio

- 1) No lot or parcel shall be created the depth of which exceeds four (4) times its width.
- 2) The width to depth ratio requirements of this section shall not apply to lots or parcels that have more than one-half (1/2) of their street frontage on a cul-de-sac. The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard set back and shall not be diminished throughout the remainder of the lot. Such lots shall have a minimum of forty (40) feet width at the front property line.
- 3) For corner lots, the depth shall be measured along the longest front line which is parallel or generally parallel to the public or private street right-of-way or easement. The width of the corner lot shall be the front line which parallels, or generally parallels, the public street or private right-of-way or easement and is the shorter of the two front lot lines. Where such lot lines are of equal length, the Village of Vermontville shall determine the measurement of the lot width to depth for purposes of this section.
- 4) The Village of Vermontville Council may permit the division of a lot or parcel which does not comply with the above provisions provided that the following finds are made:
  - a) That the greater width to depth ratio is necessitated by conditions of the land which make compliance with this section impractical. Such conditions may include topography, road access, soil conditions, wetlands, floodplains, water bodies, or other similar unique condition.
  - b) That the division and use of such lot or parcel will not conflict with other federal, state, county, or Village of Vermontville ordinances or regulations, unless an appropriate variance or approval was granted as required or permitted by such ordinances or regulations.

5. All land divisions or lot splits, not mentioned in the circumstances above, shall have frontage requirements that comply as referred to in Article II Zoning Ordinance in District Standard Regulations.

6. All Land division or lot splits must contain a minimum square feet as required in Article II Zoning Ordinance, District Standards.

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B. Access

- 1) Any land division shall front upon a public street or private road right-of-way easement meeting the requirements of the Village of Vermontville standards or those acceptable by the State of Michigan.
- 2) Any points of ingress or egress to a lot or parcel created by land division must meet the location and design standards of the Village of Vermontville or those having authority and jurisdiction over the roadway to which access is planned. The Village of Vermontville requires special assessments to all lots for any "new" roads constructed if the Village of Vermontville is asked to create new roads or is given right-of-way(s) for new roads, according to Village of Vermontville ordinances or regulations.

C. A lot or parcel created by a land division shall comply with all the requirements of this and other applicable ordinances and regulations.

D. The Village of Vermontville may stipulate such additional conditions and safeguards deemed necessary to ensure compliance with the requirements of this Chapter.

31.8 This Chapter shall include an application form and the schedule of exempt properties/parcels.

31.9 **PENALTIES.** A violation of this Chapter is hereby declared to be a nuisance, per se. A violation of this Chapter is a municipal civil infraction, with a first offense fine of five hundred (\$500) dollars, and one thousand (\$1,000) for subsequent violations, which is a violation within twelve (12) months of the initial violation where the person violating this Chapter admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense, shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate first offense.

31.10 **CONDOMINIUM SUBDIVISIONS.**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership that is not subject to the platting provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have buildings constructed on it and uses conducted within it as allowed in its zoning district provided the unit meets the Development Requirements for the zoning district in which it is located.

C. Site Plan Approval. Site Condominium projects shall be subject to the following requirements.

1) Preliminary Site Plan

- a) A preliminary site plan shall be reviewed and approved by the Planning Commission and Village Council in accordance with Article Two, the Village of Vermontville Zoning Ordinance. All provisions of said Zoning Ordinance shall apply to site condominium projects.
- b) Approval of a preliminary site plan shall for a period of two (2) years confer upon the proprietor approval of lot sizes, lot orientations, and street layouts.
- c) Three (3) separate one (1) year extensions may be granted by the Village Council if applied for in writing prior to the date of expiration of approval of the preliminary site plan.
- d) After a period of two (2) years from approval, unless extensions as provided for in this Section have been granted, the preliminary site plan approval shall become null and void if substantial construction has not commenced and proceeded in a meaningful manner.

2) Final Site Plan

- a) A final site plan for the site condominium project must be approved by the Village Council prior to the issuance of any building permit for any structures on the proposed site, unless they already exist.
- b) At its regular meeting or at a meeting called within 20 days of the date of submission, the Village Council shall examine the final plan for general compliance with this Ordinance. The proprietor or his designated representative may request an extension of the 20 day time limit, which the Village Council may grant at its discretion.
- c) To receive final approval for the site condominium project, the owner shall submit ten (10) copies of the plan to the Village Engineer who shall place the final plan on the agenda of the Village Council, said plan to contain the information required by this Ordinance. Copies of the final plan shall be distributed to the appropriate Village departments for their review and comment to the Village Council.

3) Building Permit. Prior to the issuance of a building permit for any building in the proposed site condominium project, the following items must be fulfilled, unless waived by the appropriate Village department. The Village Council may consider the issuance of building permits prior to the approval of the Final Site Plan in exceptional or unusual circumstances beyond the ability of the applicant to control.

- a) Proposed Master Deed.
- b) Articles of incorporation for the condominium association.



- c) Improvement plan approval.
- d) Block grading, floodway, soil erosion approval.
- e) Basement elevation and building restriction approval.
- f) Construction of hydrant water, adequate fire access, stormwater detention, floodways, and soil erosion controls.
- g) Monuments shall be set at all boundary corners and deflection points and at all street right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines. The Village Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the Village Council, on condition that the developer deposit with the Village Clerk cash, a certified check, or an irrevocable bank letter of credit running to the Village, whichever the developer selects, in an amount as determined from time to time by resolution of the City Commission. The deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense. All rights of-way and utility easements shall be described separately from individual condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.

D. Design Requirements. The design of site C Condominium projects shall be subject to the following requirements.

- 1) The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
- 2) The developer shall dedicate to the Village all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the Village Engineer and the standards of the Village.
- 3) All streets proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, and the Subdivision Control Ordinance (Chapter 32 of the Village of Vermontville Code of Ordinances).

## CHAPTER 32 SUBDIVISION CONTROL

- 32.1 TITLE.** This Ordinance shall be known as the "Village of Vermontville Subdivision Control Ordinance."
- 32.2 INTERPRETATION.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience and general welfare. It shall be administered to insure orderly growth and development, to protect and conserve land and natural features, and adequately provide for streets, utilities and other land improvements in the Village.
- 32.3 PURPOSE.** This Ordinance is adopted to regulate the subdivision of land to accomplish the following purposes:
- A. To carry out the purpose and intent of the Subdivision Control Act of 1967, PA 1967, No. 288 (MCLA 560.101), as amended.
  - B. To further the orderly layout and development of the Village.
  - C. To provide for and regulate the economical provision or extension of utility services, streets and other necessary land improvements.
  - D. To require that land be suitable and suitably improved for building sites.
  - E. To provide for adequate drainage.
  - F. To prevent the premature development of land; to provide for proper ingress and egress to lots.
  - G. To promote proper surveying, monuments and legal descriptions.
  - H. To provide for safe and convenient traffic circulation and traffic movement.
  - I. To insure against the creation of unsafe or undesirable conditions.
  - J. To conserve the value of property.
  - K. To regulate the density of development in relation to utility services for the protection of the public health.
  - L. To conserve energy and natural features.
  - M. To carry out the purpose and intent of the Village Master Plan and Zoning Ordinance.
  - N. To establish rules and procedures for the process of subdivision under said act.
  - O. To provide for the adoption of improvement standards.
  - P. To provide penalties for the violation of this Ordinance.
  - Q. To provide for the variation of these rules and requirements.

**32.4 APPLICABILITY.** This Chapter shall not apply to land divisions resulting in parcels or lots which are more than ten (10) acres in area.

**32.5 METES AND BOUNDS SUBDIVISION.** After the effective date of this Ordinance or amendments thereto, no new lot or lots of ten (10) acres or less in area shall be created unless the provisions of this Ordinance are met. All new lots so created shall meet or exceed the requirements of the Zoning District in which it is located.

**32.6 DEFINITIONS.** For the purposes of this Chapter, terms shall be defined as set forth in the Subdivision Control Act of 1967 and as defined herein:

A. Board: The Vermontville Village Council.

B. Commission: The Village of Vermontville Planning Commission.

C. Lot Split:

- 1) The combination of existing lots in a recorded plat into one (1) parcel.
- 2) The alteration of an existing lot line in a recorded plat which does not change the number of lots.
- 3) The alteration of existing lot lines in a recorded plat which creates an additional lot.

The term "lot split" shall not include the creation of new parcels of more than ten (10) acres, or the creation of parcels defined as a subdivision.

D. Outlot: A lot in a recorded plat which is set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

E. Plat: A map or chart of a subdivision of land.

- 1) Preliminary Plat: A map showing the salient features of a proposed subdivision to an approving authority for the purposes of preliminary consideration and approval.
- 2) Final Plat: A map and accompanying material showing or explaining the salient features of a proposed subdivision to an approving authority for the purposes of final consideration and approval.

F. Proprietor: A natural person, firm, association, partnership, corporation, or combination of any of them which may hold any ownership interest in land whether recorded or not.

G. Street:

- 1) Collector Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements within the Village.

- 2) Major Street: A street designated as such on the Transportation Plan of the Master Plan, as amended, intended to serve high volume traffic movements across the Village.
- 3) Minor Street: A local street intended primarily to serve adjacent neighborhood properties.
- 4) Secondary Street: A street designated by the Planning Commission to serve moderate volume traffic within a subdivision.

H. Subdivision or Subdivide: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area, or five (5) or more parcels of land, each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.

I. Subdivision Control Act: Public Act No. 288, the Subdivision Control Act of 1967, as amended.

J. Village: The Village of Vermontville, Eaton County, Michigan.

**32.7 SERVICE AREAS.** All plats that are approved must be serviced by public sanitary sewers. All lots within a plat that is approved must have within the public road or street adjacent to each such lot a sanitary sewer line which shall run to the lot line of each such lot. The size and specifications of such sanitary sewer lines shall be as specified by the Village and consistent and compatible with the system to which it is connected.

**32.8 APPROVALS.** The following procedure must be completed in order for a subdivision to receive approval by the Village:

- A. Preliminary Plat approval by the Planning Commission.
- B. Preliminary Plat approval by the Village Council - Step I.
- C. Preliminary Plat approval by the Village Council - Step II.
- D. Final Plat approval by the Village Council.

**32.9 PREPLAT DISCUSSION.** Although not required, a proprietor is encouraged to undertake preplat discussions with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of a proprietor's intent to initiate a subdivision and for the Planning Commission to provide the proprietor with information on the development plans and rules of the Village. Preplat discussions are intended for information purposes only and do not constitute binding commitments on the part of the Village. Neither do they imply tentative approval of any subsequent preliminary plat. Furthermore, such discussions shall not carry the

authority to proceed with construction or to sell or transfer property. On or before this meeting, the proprietor should submit the following to the Commission:

- A. Several copies of a sketch, to scale, indicating the general location and configuration of the property to be subdivided; the alignment of streets and lots; and the relationship of the proposed plat to adjacent streets and neighboring properties.
- B. A statement indicating how sanitary sewer service will be extended and if public water will be extended.

**32.10 PRELIMINARY PLATS.** The Preliminary Plat approval procedure is intended to assure the Village that the proprietor is proceeding toward a Final Plat which will conform to all applicable regulations and be acceptable to the Village and other approving agencies. Approval of the Preliminary Plat by the Village shall not relieve the proprietor from obtaining the necessary approvals from other agencies having jurisdiction over other aspects of the plat.

**32.11 PRELIMINARY PLAT REQUIREMENTS.** Preliminary Plats shall be prepared in accordance with Sections 111 through 120 of the Subdivision Control Act, as amended, and the terms of this Chapter. Preliminary Plats prepared for Planning Commission review and Step I approval by the Village Council shall include or be accompanied all submittals required by this Chapter.

In addition to the review required in Section 32.12, the proprietor or his agent shall submit copies of the Preliminary Plat to the appropriate agencies as required in Sections 113 through 119 of the Subdivision Control Act, as amended.

**32.12 SUBMISSION OF PRELIMINARY PLATS.**

- A. Preliminary Plats shall be submitted to the Village Clerk at least three weeks prior to the next regular meeting of the Planning Commission. The following procedure shall be followed:
  - 1) Submit seven (7) copies of the Preliminary Plat to the Village Clerk.
  - 2) Submit to the Village Clerk a filing fee of fifty dollars (\$50.00) for the first two lots and five dollars (\$5.00) for each additional lot within the proposed plat.
  - 3) The Village Clerk shall retain one (1) copy of the Preliminary Plat and, within seven (7) days from submission, forward two (2) copies to the Supervisor, one (1) copy to the Village Planner, one (1) copy to the Village Engineer, and two (2) copies to the Secretary of the Planning Commission.
- B. State law requires that within ninety (90) days from the date of submission, the Village Council shall act upon the Preliminary Plat. In order to accomplish the necessary review within this time period, the proprietor or his agent is encouraged to be present at all meetings of the Planning Commission and the Village Council at which the plat will be

reviewed. The plat shall be reviewed by the Village President, Planner and Engineers who shall report to the Planning Commission on any suggestions or recommend changes.

### **32.13 PLANNING COMMISSION REVIEW.**

- A. The Planning Commission shall review the Preliminary Plat and the comments of the Village President, Planner and Engineer. If the Preliminary Plat meets the requirements of this Ordinance, the Planning Commission shall give it Preliminary Approval. The Secretary of the Planning Commission shall forward one (1) copy of the Preliminary Plat along with a notation indicating Preliminary Approval and any recommendations to the Village Council for Step I approval. If the plat does not meet the requirements of this Ordinance, the Planning Commission shall:
  - 1) Deny Preliminary Plat approval and setting forth its reasons in writing; or
  - 2) Grant Preliminary Approval contingent upon completion of the revisions as noted.
- B. The Secretary of the Planning Commission shall forward one (1) copy of the Preliminary Plat along with the Planning Commission's recommendations to the applicant and one (1) copy to the Village Council.

### **32.14 VILLAGE COUNCIL STEP I REVIEW, PRELIMINARY PLAT.** After receipt of the Preliminary Plat and recommendations from the Planning Commission, the Village Council shall consider the Preliminary Plat at its next meeting or within 20 days from the date of receipt from the Planning Commission.

- A. The Village Council shall consider the Preliminary Plat along with the recommendations of the Planning Commission, Village President, Planner and Engineer. If the plat meets the Preliminary Plat requirements of this Ordinance, the Board shall grant Step I Preliminary Plat approval. The Village Clerk shall sign the plat with the notation that it has received Step I approval and the proprietor shall be so notified. Step I approval shall give the proprietor the following rights for a one (1) year period from the date of approval:
  - 1) That the general terms and conditions under which Step I approval was granted will not be changed by the Village.
  - 2) That the lot sizes, lot orientation, and street layout have been approved.
  - 3) That Step I approval may be extended if applied for by the proprietor prior to the one (1) year expiration date and granted by the Village Council in writing.
- B. If the Preliminary Plat substantially meets the requirements of this Ordinance, the Village Council may grant conditional approval of Step I, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step I. Upon the submission of such changes, revisions or

additional material, the Preliminary Plat shall be granted unconditional Step I approval and the proprietor shall be so notified.

- C. If the Preliminary Plat does not substantially meet the requirements of this Ordinance, the Village Council shall deny Step I approval and so notify the proprietor along with the reasons therefore.

### **32.15 VILLAGE COUNCIL STEP II REVIEW, PRELIMINARY PLAT .**

- A. After the Village Council has granted Step I approval, the proprietor shall submit two (2) copies of the Preliminary Plat to the Village Council for Step II review. The proprietor shall also submit the following:
- 1) A list of all reviewing authorities certifying that the list shows all authorities as required by Sections 112 to 119 of the Subdivision Control Act, as amended.
  - 2) A copy of each review or subdivision site report by the above noted authorities after their approval has been secured.
  - 3) A copy of any proposed or required deed restrictions or covenants.
  - 4) A copy of a preliminary draft of any special agreements which may be required before Final Plat approval is granted.
- B. The Village Council shall consider the Preliminary Plat and the above noted material and, if found to be in compliance with the terms of this Ordinance, shall grant Step II approval. Step II approval shall give the proprietor the following rights for a period of two (2) years from the date of approval:
- 1) That the general terms and conditions under which Step II approval was granted will not be changed and the proprietor may proceed with the installation of required improvements.
  - 2) That the proprietor may submit all or parts of the Step II approved Preliminary Plat as a Final Plat in accordance with the Subdivision Control Act, as amended, and this Ordinance.

The two (2) year period may be extended if applied for by the proprietor and grant by the Village in writing. Written notice of the extension shall be sent by the Village Clerk to the other approving authorities.

- C. If the Preliminary Plat substantially meets the requirements of this Ordinance, the Village Council may grant tentative approval of Step II, such approval being conditioned upon the submission of such changes, revisions or additional material as is determined to be necessary to complete Step II. Upon the submission of such changes, revisions, or

- additional material, the Preliminary Plat shall be granted unconditional Step II approval and the proprietor shall be so notified. The Village Council may, at its discretion, delegate final Step II review authority to the Village Planner and/or Engineer who shall be responsible for insuring that the conditions established for Step II approval have, in fact, been met. Once the Step II conditions have been met, the Village Council, shall grant final Step II approval. Final Step II Preliminary Plat approval shall also be noted on the copy of the Preliminary Plat to be returned to the proprietor.
- D. If the Preliminary Plat does not substantially meet the requirements of this Ordinance, the Village Council shall deny Step II approval and so notify the proprietor along with the reasons therefore.
  - E. Installation of all plat improvements authorized by Step II approval shall be in accord with the requirement of the appropriate agency or utility having jurisdiction.
- 32.16 FINAL PLAT APPROVAL.** Within two (2) years from the date of Step II approval of the Preliminary Plat, the proprietor shall prepare and submit a Final Plat containing all the certificates, signatures and specifications required by the Subdivision Control Act.
- A. After the signature of the surveyor, proprietor, County Treasurer, Village Treasurer (if necessary), County Drain Commissioners, and the County Road Commission are obtained, the proprietor shall submit the Final Plat to the Village Clerk at least two (2) weeks prior to the next regular meeting of the Village Council. The proprietor shall also submit the following:
    - 1) A filing and recording fee as required in Section 241 of the Subdivision Control Act together with a Village fee as established from time to time by resolution by the Village Council.
    - 2) One (1) copy of as-built plans of all completed improvements.
    - 3) All final agreements and deed restrictions.
    - 4) Letters of approval from all applicable agencies or utilities stating that improvements have been properly installed, inspected and inspection fees paid or that performance bonds or other similar surety have been submitted for uncompleted improvements.
  - B. The Clerk shall review the Final Plat and associated material for compliance with all the requirements of this Chapter, Village Council Step II Review, Preliminary Plat.
  - C. If all submissions are found acceptable, the Clerk shall submit the same to the Village Council at its next regular meeting for approval.
  - D. The Board shall approve or reject said Final Plat and associated material and, if approved, shall instruct the Clerk to certify such approval together with the date thereof. When



required, the Clerk shall also certify upon the Final Plat the approval and date of Health Department approval on the approved Preliminary Plat.

- E. The Clerk shall thereupon promptly forward all copies of the Final Plat to the Clerk of the County Plat Board together with the recording fee, which shall be paid by the proprietor.
- F. When the Final Plat is returned by the State Treasurer with a certification of approval, the Final Plat shall be recorded as a plat of record.
- G. If the Final Plat and associated material are not found acceptable, the Clerk shall so notify the proprietor who shall arrange for correction, modification, or additional guarantees to satisfy the requirements of this Ordinance.

**32.17 BUILDINGS AND SALES.** Until recorded as a plat of record, a property is unsubdivided. No more than one (1) principle building may be constructed on such parcel, except as herein provided.

- A. Where a proprietor desires to construct additional buildings before improvements are completed and before the Final Plat is approved by the Village, he shall submit proof of Performance Guarantees to the Village Council for approval. Said Performance Guarantees shall cover the entire cost of installing the remaining improvements plus an amount sufficient to pay all inspection costs. The Performance Guarantee shall be in the form of a cash bond, letter of credit or surety bond, issued by an approved surety, and have a specific time limit noted.
- B. Regardless of the above stipulations on buildings, the Village Council may restrict building on uncompleted plats if in its opinion premature construction would not be in the best interests of the Village.
- C. The Building Inspector shall not be authorized to issue any Building Permits in an unrecorded plat unless otherwise authorized by the Village Council under these provisions.

**32.18 OUTLOTS.** Outlots in a recorded plat are prohibited.

**32.19 LOT SPLITS.** Pursuant to Section 263 of Act 288, Public Acts, 1967, as amended, the Subdivision Control Act, each division of a lot in a recorded subdivision shall result in a lot or lots which meet all the provisions of this Ordinance and the Vermontville Village Zoning Ordinance.

**32.20 PRELIMINARY PLAT.** The Preliminary Plat shall be designed in accordance with the provisions of this ordinance, the requirements of the Subdivision Control Act and, where applicable, the requirements of the County Health Department, the Drain Commission, the County Road Commission, the Department of Natural Resources, the Department of State Highways and Transportation, and the Water Resources Commission. The Preliminary Plat

shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include or be accompanied by the following information:

- A. The name of the plat; the name and address of the proprietor; the name, address and seal of the surveyor; and a description of the property to be subdivided.
- B. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
- C. North arrow, scale, contour interval, and legend when appropriate.
- D. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
- E. Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
- F. The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
- G. The outlines, intended layout, and intended use of the entire property owned or represented by the proprietor. The following shall be included:
  - 1) Street and stub street right-of-way ~ location, width and curve radii.
  - 2) Proposed street names.
  - 3) Lot lines, lot line dimensions to the nearest foot, lot and block numbers, and lot areas to the nearest one hundred (100) square feet.
- H. The location and dimensions of all existing or proposed easements or reserve strips, including electrical and telephone easements.
- I. The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
- J. Statements regarding:
  - 1) Intent to utilize private or public water and public sanitary sewage facilities. (Amended July 13, 1987; Ord. No. 209)
  - 2) Zoning and lot size requirements.
  - 3) Zoning requirements for front, side and rear yards.
  - 4) Size and type of street in accord with Eaton County Road Commission standards.
  - 5) Intent to install gas, sidewalks, street lights, and shade trees.
  - 6) Use of waterways, rivers, streams, creeks, lakes or ponds.

- K. The location and depth of soil boring tests and/or the location of percolation test holes where public sanitary sewer is not available for use.
- L. Copy of any proposed or required deed restrictions or covenants.
- M. Copies of reviews and approvals and, where necessary, Subdivision Site reports from:
  - 1) Eaton County Road Commission.
  - 2) Eaton County Drain Commission.
  - 3) Michigan Department of State Highways and Transportation.
  - 4) Michigan Department of Natural Resources.
  - 5) Michigan Water Resources Commission.
  - 6) Barry-Eaton County Health Department.

**32.21 FINAL PLAT.** The Final Plat shall be prepared as required by the Subdivision Control Act, as amended, and submitted to the Village Clerk in accord with this Chapter. The Final Plat shall also be accompanied by or show the following additional information:

- A. One (1) set of approved as-built or final construction plans for all required improvements to be kept on file by the Village.
- B. One (1) copy of the final deed restrictions or restrictive covenants.
- C. Deeds to any properties to be dedicated to the Village.
- E. Performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights, or shade trees.
- F. One (1) copy of any financing arrangements between the Village and the proprietor for the installation of required improvements.

**32.22 REQUIRED IMPROVEMENTS.** Prior to the granting of Final Plat Approval for a Subdivision, the proprietor shall have installed, or have approved plans and agreements for the installation of, the following improvements:

- A. Streets: A paved street meeting the requirements of Chapter 3 of the Village Code of Ordinances.
- B. Rights-of-Way: All rights-of-way and easements shall be graded across their entire width and length.
- C. Water: A public water supply of a size specified by the Village Engineer connected to an existing public system and available at the property line of each lot within the subdivision, together with fire hydrants in locations specified by the Village.

- D. Sewers and Drainage: Public sanitary sewers connected to an existing public system and available at the property line of each lot within the subdivision, conforming to the size and specifications of the Village and compatible to the existing system, culverts, catch basins, and storm sewers of a size specified by the Eaton County Drain Commissioner.
- D. Electric and Telephone Conduits: Underground electrical and telephone conduits together with connection terminals available at each lot.
- E. Street Lights: Street lights of a design and location approved by the Village.
- F. Gas Service: Where available, gas distribution lines beneath the street prior to the paving and curbing of any street, at locations adequate to serve each lot by connections thereto without the further installation of gas lines beneath such streets.
- G. Sidewalks:
  - 1) Concrete sidewalks five (5) feet wide and four inches thick are required on both sides of all streets and stub streets without exception including adjacent to all cul-de-sacs.
  - 2) All sidewalks shall incorporate curb-cuts also known as "handicapped sidewalk curb cuts" from the curb to the intersection of the sidewalk.
  - 3) Permits for construction of sidewalks shall be obtained from the Village and shall be built to or exceed the requirements of this Ordinance and the standards of the Village.
  - 4) All sidewalks shall be constructed by the developer prior to final plat approval. Final plat approval can be given without construction of sidewalks provided not more than three (3) years have elapsed since the Village Council has granted Step II Preliminary Plat approval and provided there is posted by the developer with the Village either a cash bond or an irrevocable letter of credit in an amount equal to the total cost of construction of the sidewalks as determined by the Village engineer conditioned upon all sidewalks being constructed not later than three (3) years after the Village Council granted Step II Preliminary Plat approval. Such cash bond or irrevocable letter of credit can be used by the Village to construct all such sidewalks if the sidewalks are not constructed within said time period and to pay all costs incidental to such construction including but not limited to engineering and attorney fees related thereto. All cash bonds shall be filed with the Village Clerk. Any funds that remain after using the cash bond to construct the sidewalks and to pay all costs incidental thereto shall be returned to the developer. If the sidewalks are properly constructed prior to the three (3) year time period, the cash bond shall be turned over to the developer, or the letter of credit will be canceled.
  - 5) After sidewalks have been constructed, the owner of a lot and any person or entity that takes out a building permit for any type of construction on a lot within the plat shall be responsible for repairing, restoring, or replacing any broken or damaged sidewalks

adjacent to the property for which a building permit is issued such that they are in conformance with the standards required for original construction up and until an occupancy permit is issued.

- H. Topsoil: No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed and stabilized by seeding, plantings, or other acceptable erosion control methods.
- I. Monuments: Monuments shall conform to the Subdivision Control Act of 1967, as amended.
- J. Street Signs: Street signs shall be placed at all intersections within or abutting the subdivision. The name, type and location shall be specified or approved by the Village.

**32.23 MASTER PLAN.** All subdivisions shall conform to the provisions and conditions of the Master Plan and Zoning Ordinance for future development of the Village except as may be modified by this Chapter.

**32.24 STREETS.** All streets shall conform in direction and alignment with the Master Plan and shall connect with existing streets without jogs or sharp angles. The design and location of streets shall not have the effect of precluding access to undeveloped adjacent property.

- A. Curves: Curving streets shall have a centerline radius conforming to Eaton County Road Commission standards or alternate standards established by the Village.
- B. Rights-of-Way: All streets shall have rights-of-way of at least sixty-six (66) feet in width, unless a greater width is mandated by the Village, the Eaton County Road Commission or MDOT. Alley rights-of-way, if permitted by the Planning Commission, shall be at least twenty (20) feet in width.
- C. Stub or Outlet Streets: Stub streets or outlets to adjacent undeveloped property are required and shall be fully improved, including drainage and utilities as required for all other streets in the subdivision.
- D. Dead-End Streets: Dead-end streets shall not exceed eight hundred (800) feet in length unless a paved outlet street is provided when required to adjacent property. There shall be a turn-around roadway with a minimum outside right-of-way radius of fifty (50) feet at the closed end, unless the Planning Commission and the Road Commission approve the use of a "T" or "Y" shaped turning area.
- E. Reserve Strips: Reserve strips along Major streets may be required by the Planning Commission to be dedicated to the Village or County to prohibit access upon the major street from a specified lot or lots.
- F. Street Names: All street names shall be subject to the approval of the Village Council and the Road Commission.

G. Off-sets: Off-setting streets at an intersection are prohibited unless the centerlines thereof are off-set at least one hundred twenty-five (125) feet. Such off-sets shall be subject to Village, County, and Road Commission approval.

H. Access: Any plat or series of contiguous plats having forty (40) or more lots shall have a minimum of two (2) points of access, in order to protect the future residents and existing residents of the Village in the event of an emergency, or in the event of the blockage of an access point and to promote safer traffic flow. In a plat or a series of contiguous plats containing forty (40) or more lots, the Planning Commission may require more than two (2) points of access, where needed to protect the health, safety and general welfare of the inhabitants of the Village. In determining whether additional access points are required, the following shall be considered:

- 1) The size of the proposed plat, the size of the area within the proposed plat, and the size of the series of adjacent existing, proposed, or potential plats.
- 2) The number of lots of the proposed plat, of the area within the proposed plat, and of a series of adjacent existing, proposed, or potential plats.
- 3) The number of existing or proposed access points to the proposed plat, to the area within the proposed plat, and to a series of adjacent existing, or potential plats.
- 4) The distance of existing access point(s) to the proposed plat, to the area within the proposed plat, and to a series of adjacent existing, proposed, or potential plats.
- 5) The number of available potential access points to the proposed plat, to the area within the proposed plat and to a series of adjacent, existing, proposed or potential plats.
- 6) The volume of traffic that is placed or may be placed upon any street within a proposed plat or adjacent, existing, proposed, or potential plats.

**32.25 LOTS.** The dimensions of all lots shall meet the requirements set forth in the Zoning Ordinance of the Village of Vermontville

**32.26 BLOCK LENGTHS.** Blocks shall generally be between six hundred (600) feet and one thousand (1,000) feet in length. Side streets or outlets or streets to adjoining property may be required at a lesser interval if deemed necessary by the Planning Commission. Twenty (20) foot pedestrian crosswalk easements may be required by the Planning Commission with sidewalks at least five (5) feet in width.

**32.27 PUBLIC EASEMENTS.** Where a subdivision is traversed by a water course or open drain, there shall be provided a public easement of such width as determined necessary by the County Drain Commission, but in no case less than twenty (20) feet in width. The Planning Commission shall require twenty (20) foot public easements along the lot lines of a block for

utility facilities, walkways, access to public land, or similar needs of the community. Easements may be required to be dedicated to the Village or County.

- 32.28 PUBLIC SITES AND OPEN SPACES.** Where a proposed park, playground, school, street or other public use shown in the Master Plan is located in whole or in part in a subdivision, the Planning Commission shall bring the same to the attention of the proprietor and the Village Council so that they may address the question of acquiring such areas by dedication, reservation or payment.
- 32.29 BUSINESS AND INDUSTRIAL SUBDIVISIONS.** Where land is subdivided to be used for business or industrial purposes permitted by the Zoning Ordinance, the services and improvements to be required shall be fixed by the Planning Commission with reference to the use and density of the subdivided area and the type of business or industrial activity to be carried on in the subdivided area.
- 32.30 PERFORMANCE GUARANTEES.** The Village Council may require formal agreements or the posting of a bond or other surety sufficient to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance. Where a bond is required, it shall be a corporate surety bond, meeting the approval of the Village.
- 32.31 INSPECTION AND SPECIFICATIONS.** The Village Council may establish inspection fees, inspection requirements, specification standards, and administrative procedures as provided by law and such shall be deemed to be requirements of this Ordinance. All plans and installations of improvements called for shall be subject to the approval of the Village or its agent, or such other competent person as designated by the Village. All inspection fees shall be paid by the proprietor before the Final Plat is signed by the Village unless adequate sureties or deposits to cover these expenses are given to the Village prior to Final Plat approval.
- 32.32 GROUNDS FOR A VARIANCE.** If the proprietor can clearly demonstrate that literal enforcement of this Ordinance is impractical or will impose undue hardship in the use of his land because of peculiar conditions pertaining to his land, the Village Council may permit such variances as, in its sound discretion, it believes to be reasonable and within the general purpose and policy of this Ordinance. A financial hardship or gain shall not of itself be sufficient. In making the findings required below, the Board shall consider the recommendations of the Planning Commission, the location and condition of the proposed subdivision, the nature of the proposed variance as compared with the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivisions and variances on traffic conditions, public health, and safety in the vicinity. No variance shall be granted unless the Board finds that all of the following conditions exist:

- A. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- C. The granting of the variance will not be contrary to State or County regulations or Village Ordinances, detrimental to the public welfare, or injurious to other property in the area in which said property is situated.

**32.33 PROCEDURE FOR A VARIANCE.** A petition for any such variance shall be submitted in writing by the proprietor at the time when a preplat or the Preliminary Plat is filed for the consideration of the Planning Commission, or thereafter to meet any requirement of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The Planning Commission shall make a recommendation by full majority vote to the Village Council upon any requested variance. Upon recommendation by the Planning Commission that a variance be disapproved, the Village Council may grant such variance upon the concurring vote of three members of the Village Council.

**32.34 ADMINISTRATION.** This Chapter shall be administered by the Village Council. The rules, regulations and standards imposed by this Ordinance shall be considered to be the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Village; and in interpreting and applying them, primary consideration shall be given to these factors.

**32.35 VALIDITY.** If any article, section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Chapter.

**32.36 ENFORCEMENT AND PENALTIES.** This Chapter shall be enforced by the Village Council. The Village Council may bring an action in its own name in the Circuit Court to restrain or prevent any violation of this Ordinance or any continuance of any such violation. Such action shall be brought in the county where the land is located, the defendant resides or has his principal place of business. The following penalties shall apply for violations of this Chapter.

- A. Any person who shall sell or agree to sell any lot, piece or parcel of land without first having recorded a plat thereof (as defined in the Subdivision Control Act) when required by this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not to exceed one hundred eighty (180) days, or both, for the first offense, and for each subsequent offense, a like fine and imprisonment in the county jail not to



- exceed one year, or both. The term "agree to sell" shall not include an option to buy extended from the seller for a money consideration to the prospective buyer.
- B. Any person who violates any other provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisonment not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution of such offense. Every day such violation is permitted to exist shall constitute a separate offense.

## CHAPTERS 33 THROUGH 34 - RESERVED

**VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES**

**ARTICLE FOUR: NUISANCES**

The ordinances adopted by the Village of Vermontville pertaining to nuisances and nuisance activities within the Village are assembled in this Article Four: Nuisances

**CHAPTER 35 TRASH, NOXIOUS WEEDS AND YARD WASTE**

- 35.1 PURPOSE.** It is hereby determined that the unauthorized storage or accumulation of refuse, garbage, junk, junk motor vehicles, abandoned vehicles, building materials, yard waste or clippings or similar materials, or the toleration of noxious weeds upon any private property within the Village of Vermontville tends to result in blighted and deteriorated neighborhoods, the spread of vermin and therefore contrary to the public peace, health, safety, and general welfare of the community.
- 35.2 DEFINITIONS.** For the purposes of this Chapter, the following terms when used herein shall be deemed to have the following meanings:
- A. **Junk:** The term "junk" shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, ranges, refrigerators or other appliances and remnants of wood, metal, or any other cast-off material of any kind, not being put to reasonable use, whether or not the same could be put to any reasonable use.
  - B. **Junk Motor Vehicle:** The term "junk motor vehicle" shall include, without limitation, any motor vehicle which is not licensed for use upon the highway, road, or public streets, of the State of Michigan for a period in excess of sixty (60) days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty (60) days, provided that there is expected from this definition unlicensed but operative vehicles which are kept as the stock in trade of regularly licensed and established dealers in new or used automobiles or other motorized vehicles. And provided further, that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of one hundred twenty (120) days, with extensions of thirty day periods upon presentation to the Vermontville Village Council of written proof the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
  - C. **Abandoned Vehicle:** The term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked.

- D. Refuse: The term "refuse" shall include solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.
- E. Garbage: The term "garbage" shall include rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that pertaining to the preparation, use, cooking, dealing in or the storing of meat, fish, fowl, fruit or vegetable.
- F. Rubbish: The term "rubbish" shall include nonputrescible solid wastes, excluding ashes, consisting of both combustible wastes such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public's health and safety.
- G. Building Materials: The term "building materials" shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
- H. Person: The term "person" shall include all natural persons, firms, co-partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent, or employee. All persons who violate any of the provisions of this Chapter, whether as owner, occupant, leasee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principle. This term shall also include limited liability corporations.
- I. Yard Waste: The term "yard waste" shall be consistent with and as defined within Public Act 451, of the Public Acts of the State of Michigan, 1994, as amended, which states that yard clippings means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, agricultural waste, animal waste, roots, sewage sludge, or garbage.
- J. Noxious Weeds: The term "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*) or other plant which, in the opinion of the Village Council of the Village of Vermontville, is regarded as a common nuisance.

**35.3 TRASH, ABANDONED AND JUNK VEHICLES AND SIMILAR MATERIALS.** It shall be a violation of this Chapter, without proper authority, to store, or permit the storage or accumulation of refuse, garbage, rubbish, junk, junk motor vehicles, or abandoned vehicles on any property in the Village of Vermontville except, within a completely enclosed building upon the premises of a property zoned, licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk or other authorized person.

- 35.4 BUILDING MATERIALS.** It shall be a violation of this Chapter for any person to store or permit storage or accumulation of building materials on any property, except in a completely enclosed building or except where such building materials are part of the stock in trade of business located on said property, or except when such materials are being used in the construction or repair of a structure on the property in accordance with a valid building permit, and unless such construction is completed within a reasonable time.
- 35.5 REMOVAL OF NUISANCE MATERIALS.** The Village of Vermontville Council may remove or caused to be removed any junk vehicles or parts of either, or refuse or junk from any unenclosed property after having notified the owner in writing the owner or occupant of such property of the village's intention to do so at least seven (7) days prior to such removal. Such junk or abandoned vehicles or parts of either shall be removed and disposed of in accordance with the law. Such removal by designated enforcement official shall not excuse or relieve any person of the obligation imposed by the violation of this Chapter to keep properties free from storage or accumulation of junk vehicles or abandoned vehicles, or parts of either, or refuse or junk, nor from penalties for violation thereof. (Revised 9-9-04)
- 35.6 COSTS OF REMOVAL.** The cost of removal of any junk vehicle or abandoned vehicle, or parts of either, shall be charged to the person from whose property it was removed. In the event the cost of removal of any junk or abandoned vehicle, or parts of either, is not paid in thirty (30) days from the date of sending a statement of the charges to such person(s), then the Village Treasurer may be authorized by the Vermontville Village Council to add the same to the tax rolls of the property from which removal occurred.
- 35.7 REMOVAL OF DIRT AND REFUSE.** Every dwelling and part thereof shall be kept reasonably clean and shall be kept free from accumulation of dirt, refuse, garbage or other matter in or on the dwelling, or on the yards, courts, passages, areas or alleys connected therewith or belonging thereon. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall be responsible for the cleanliness of those parts of the premises he occupies or controls. Upon written notification of violation of this section, owner shall have 30 days to remove such refuse or junk.
- Revised 9-9-04/revisionC
- 35.8 TRASH RECEPTACLES.** The owner of every dwelling or business and the occupant or occupants thereof, shall provide for such dwelling and keep clean and in place properly covered receptacles of non-absorbent material for holding refuse, garbage, rubbish, ashes, and other waste matter.
- 35.9 IMPORTATION OF YARD WASTE.** It shall be a violation of this Chapter to dispose of, or permit the disposal of, yard waste not generated on land within the Village of Vermontville, on any property located within the Village.
- 35.10 STOCKPILING OF YARD WASTE.** It shall be a violation of this Chapter to permit the collection of yard waste on any property located within the Village such that such collection of yard waste shall become a nuisance detrimental to the health, safety and welfare of the residents of the Village.

- 35.11 REMOVAL OF NOXIOUS WEEDS.** It shall be the duty of the owner of every lot or parcel of land within the Village, vacant or occupied, on which is found noxious weeds growing to destroy or remove the same for a minimum distance of 100 feet back from the front line and for the entire width of the lot or parcel of land. If said owner shall fail or neglect to destroy or remove said weeds on his property, the Village Council shall serve a written notice to the owner or occupant of such property to comply with the provisions of this Chapter within five (5) days from receipt of such notice. If service of such notice cannot be had upon the owner or occupant it shall be sufficient to post the same in some conspicuous place on the premises. Failure to give notice shall not, however, constitute a defense to any section to enforce the payment of any penalty provided for, or debt created, under the provisions of this Chapter.
- 35.12 FAILURE TO COMPLY.** In any case, if such owner, agent or occupant shall refuse or neglect to destroy or remove such noxious weeds or cause same to be done, the Village Council shall, without further notice, cause same to be done. All cost pertaining to the destruction or removal of such noxious weeds shall be paid from the Village Treasury, and the amount thereof assessed against the property on the next general assessment roll of the Village.
- 35.13 REMOVAL OF SNOW AND ICE.** It shall be the duty of the owner of every lot or parcel of land with the Village, vacant or occupied, to remove snow and ice on the sidewalk in front or the side of their property. This is to insure the health and safety of the residents of the Village. Failure to remove snow or ice from the sidewalk will be a violation of the Village Code of Ordinances. If the Village is forced to do the removal, any and all cost of the removal shall be paid by the property owner.
- 35.14 ENFORCEMENT AUTHORITY.** The Village Council shall assign responsibility to an appropriate official to act on behalf of the Village in carrying out the terms of this Section.
- 35.15 PENALTIES.** Any owner of a lot or parcel of land who shall refuse or neglect to destroy such noxious weeds and/or remove such unsightly trash, as provided in this Chapter, shall be guilty of a misdemeanor and upon conviction be subject to a fine of not less than \$10.00 nor more than \$100.00 together with cost of prosecution, or by imprisonment in the County Jail for not more than 90 days.

Revised 6-9-2005/Revision E

## CHAPTER 36 DILAPIDATED AND DANGEROUS BUILDINGS

- 36.1 PURPOSE.** It shall be the purpose of this Chapter to provide standards for the identification, securing, repairing and removal of dangerous buildings.
- 36.2 DEFINITION.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings:"
- A. Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - B. Those which, exclusive of the foundation, show thirty-three (33%) per cent or more, of damage or deterioration of the supporting member or members, or fifty (50%) per cent of damage or deterioration of the non-supporting enclosing or outside walls or covering.
  - C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
  - D. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Village of Vermontville.
  - E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to reasonable decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.
  - F. Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who may live or occupy therein.
  - G. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.
  - H. Those which have parts thereof so attached that they may fall and injure members of the public or property.
  - I. Those, which because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of the Village of Vermontville.
- 36.3 STANDARDS FOR REPAIR, VACATION, OR DEMOLITION.** The following standards shall be followed in substance by the authorized building inspector(s) in ordering repair, vacation, or demolition:
- A. If the "dangerous building" can be reasonably repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be repaired.
  - B. If the "dangerous building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated.

- C. In any case where a "dangerous building" is fifty (50%) per cent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be demolished. In all cases, where a "dangerous building" is a fire hazard existing or erected in violation of the terms of any of the Village of Vermontville ordinances or statute of the state of Michigan, it shall be demolished.
- 36.4 DANGEROUS BUILDINGS-NUISANCES.** All "dangerous buildings" within the terms of this Chapter are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided by this Chapter.
- 36.5 FIRE INSURANCE WITHHOLDING PROGRAM.** In the event the Village elects to participate in the Michigan Fire Insurance Withholding Program authorized by Section 2845 of the Michigan Insurance Code, the Village Council shall adopt the required resolution establishing escrow accounts equivalent to up to twenty-five percent (25%) of the fire insurance settlement amount, but not to exceed the maximum escrow amount established from time to time by the Office of Financial and Insurance Services of the Michigan Department of Consumer and Industry Services. The Village shall notify insurers within the Village of the application of such escrow requirements thirty (30) days before the effective date of said resolution.
- 36.6 DUTIES OF AUTHORIZED COUNTY BUILDING INSPECTORS.** The building inspector(s) shall:
- A. Inspect or caused to be inspected periodically, all public buildings, schools, hall, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of this Chapter.
  - B. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or maybe existing in violation of this Chapter.
  - C. Inspect any building, wall, or structure reported as hereinafter provided by the fire or law enforcement departments operating in the Village of Vermontville, that a building, wall, or structure as probably existing in violation of the terms of this Chapter.
  - D. Notify in writing the owner, occupant, leasee, mortgagee, agent, and all other persons having an interest in said building as shown by land records of the register of deeds of the County of Eaton, of any building found to be a "dangerous building" within the standards of this Chapter, that:
    - 1) The owner must vacate, or repair, or demolish said building in accordance with terms of notice set forth by this Chapter and by violations of this Chapter.
    - 2) The occupant or leasee must vacate said building or may have it repaired in accordance with this notice and remain in possession.
    - 3) The mortgagee, agent, or other persons having an interest in said building, may, at their own risk, repair, vacate, or demolish said building or have such work or act done. Provided, that any person notified under this Chapter, repair vacate, or demolish any



building shall be given reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

- E. Set forth in the notice provided for in Subsection 36.5, D, hereof, a description of the building, or structure deemed unsafe, a statement of the violations of this Chapter which describe the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such a condition as to comply with this Chapter, within such a length of time, not exceeding thirty (30) days, as is reasonable.
- F. Report to the village council any non-compliance with the notice provided herein.
- G. Appear at all hearings conducted by the Vermontville Village Council and testify as to the condition of "dangerous buildings".
- H. Place a notice on all "dangerous buildings" reading as follows:

This building has been found to be a dangerous building by the authorized building inspectors of the Village of Vermontville according to Article Four, Chapter 36 of the Ordinances of the Village of Vermontville.

This notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, leasee, mortgagee, or agent of the building, and all other persons having an interest in said building, as shown by the register of deeds of the County of Eaton. This notice shall not be removed until notice is complied with.

### **36.7 VILLAGE COUNCIL HEARING**

- A. Upon receipt of a report of the authorized building inspector(s) of the Village of Vermontville as provided in this Chapter, Section 36.4, the Village Clerk shall give written notice to the owner, occupant, mortgagee, leasee, agent, and all other persons having an interest in said building, as shown by the land records of Eaton County, to appear before the Village Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the authorized building inspector(s), notice provided in this Chapter.
- B. On the date provided by the Vermontville Village Council, the Vermontville Village Council shall hold a hearing and hear such testimony as the authorized building inspector(s) or the owner, occupant, mortgagee, leasee, or any other person having an interest in said building shall offer relative to the "dangerous building".
- C. The Vermontville Village Council shall make findings of fact from the testimony offered as to whether or not the building in question is a "dangerous building" within the terms of this Chapter, which shall be made in writing and a public made thereof.
- D. The Vermontville Village Council shall issue an order based upon findings of fact made pursuant to Subsection 36.6, C, ordering the owner, occupant, mortgagee, leasee, agent, and all other persons having an interest in said building as shown by the land records of

the Register of Deeds of the County of Eaton, to demolish, vacate, repair any building found to be a "dangerous building" within the terms of this Chapter.

- E. If the owner, occupant, mortgagee, or leasee fails to comply with the order provided for in Subsection 36.6, D, hereof, within ten (10) days, the authorized building inspector(s) shall cause such building or structure to be repaired, vacated, or demolished as the facts and findings relative to this Chapter and herein provided by this Chapter, maybe with the legal council of the Village attorney(s), and cause the cost of such repair, demolition, or vacation be charged against the land upon which the building stands or did stand, or dangerous erection has occurred upon. This does not prohibit the decision of council to recover costs of such under any other recourse allowed by law. The cost against the land, aforementioned, shall be by special assessment. It shall be the decision of the Vermontville Village Council and in the opinion of council, whether or not delays are acceptable or the immediate action of council is needed for the welfare of the public, regarding village action to demolish, repair, or the vacation of "dangerous buildings"

**36.8 VIOLATIONS-DISREGARDING OF NOTICES OR ORDERS.** Any owner of any "dangerous building" who shall fail to comply with any notice or order to repair, vacate, or demolish said building, *issued by the Village Council*, authorized Village of Vermontville representatives, *including the Village's authorized* legal representative, is guilty of violation of this Chapter. Any occupant, leasee or property owner in possession who fails to comply with any notice to vacate or who fails to repair such said building in accordance with this Chapter, is in violation and shall be guilty of a misdemeanor upon conviction and shall be subject to a fine of \$500.00 together with the costs of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.

Revised 6-9-05/Revision E (underlined)      Revision I/9-7-06 (in italics)

**36.9 EMERGENCY CASES.** In cases where it reasonably appears there is immediate danger to life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the authorized Village of Vermontville building inspector(s), with the approval of the Village Council, shall cause the immediate repair, vacation, or demolition of said "dangerous building". The costs of such emergency repair, vacation, or demolition, of said "dangerous building" shall be as the same manners allowed in Section 36.6, E of this Chapter.

**36.10 NOTIFICATION.** Any notice required under this Chapter shall be by first class mail.

## CHAPTER 37 SOLICITOR'S PERMIT

- 37.1 PURPOSE.** It shall be the purpose of this Chapter to provide for the regulation and permitting of door-to-door solicitation activities within the Village of Vermontville.
- 37.2 DETERMINATION OF NUISANCE ACTIVITY.** The practice of going in and upon private property in the Village of Vermontville, Michigan, by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise, not having been requested or invited to do so by the owner(s) or occupant(s) of said property for the purpose of soliciting orders for the sale of goods, wares, and merchandise or disposing of and or peddling or hawking the same, is determined to be a nuisance if done without proper permit.
- 37.3 PERMIT REQUIRED.** Any solicitors, peddlers, hawkers, itinerant merchants or transient vendor of merchandise shall secure a permit for such activity from the Village Clerk prior to conducting any solicitation activity in the Village
- 37.4 APPLICATION.** Applicants for a permit to conduct solicitation activity under this Chapter must file with the Village Clerk an application in writing, duplicated, on a form furnished by the Village Clerk which shall give the following information:
- A. Name of the applicant.
  - B. Permanent home address of applicant.
  - C. A brief description of nature of business and goods.
  - D. Name and address of employer.
  - E. Desired duration of the permit.
- 37.5 APPLICATION FEE.** The fee shall not exceed \$25.00 per week or part thereof. Yearly permit fee shall be \$50.00.
- 37.6 PENALTIES.** Any solicitors, peddlers, hawkers, itinerant merchants or transient vendor who shall fail to first obtain a permit to conduct solicitation activity shall be upon conviction be guilty of a misdemeanor, and be subject to a fine of not less than \$10.00 nor more than \$100.00 together with the costs of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.

Revised 6-9-05/Revision E

## CHAPTER 38 NOISE CONTROL

- 38.1 PURPOSE.** It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the Village of Vermontville limits.
- 38.2 PROHIBITED NOISES.** Each of the following are prohibited, but this enumeration shall not be deemed exclusive:
- A. Animal and bird noises: the keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person.
  - B. Construction noises: the erection, including excavating, demolition, alteration or repair of any building, and the excavation of streets and highways, on Sundays and other days, except during daylight hours, unless a special permit is first obtained from the Village Council.
  - C. Engine exhausts: the discharge of any stationary internal combustion engine or motor vehicle into the open air except through a muffler or other device which effectively prevents loud or explosive noises there from.
  - D. Horns and signal devices: the sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as when reasonably applied as a danger signal if another vehicle is approaching, apparently out of control or to give warning of intent to go into motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended.
  - E. Radio and musical instruments: the playing of any radio, television set, phonograph, boom box, CD player, or any musical instrument in such a manner, place, time or with such volume so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity, except as by special permit from the council.
  - F. Shouting and whistling: yelling, shouting, hooting, whistling or signaling or the making of any loud noise between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
- 38.3 CONTINUAL EXCEPTIONS.** None of the terms of prohibitions of Section 38.2 shall apply to:
- A. Any police or fire vehicle or any emergency ambulance, while engaged in an emergency.
  - B. Excavations or repairs of bridges, water or sanitary sewer systems by or on behalf of the village, county, or state during the night, when the public safety, welfare, and convenience renders it impossible to perform such work during the day.
- 38.4 TEMPORARY EXCEPTIONS.** The council may issue a special permit exempting an individual or group from the above sanctions on a temporary basis, if a majority of said council finds the issuance of such temporary noise permit to be in the best interest of the public health, safety, welfare or for the public good.

**38.5 PENALTIES.** Any person who shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the Village of Vermontville shall be upon conviction be guilty of a misdemeanor, and be subject to a fine of not less than \$10.00 nor more than \$100.00 together with the costs of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.

Revised6-9-05/RevisionE

## CHAPTER 39 UNCONFINED DOGS

- 39.1 PURPOSE.** The purpose of this Chapter is to establish regulations for the keeping or possessing, harboring, or having the care or charge of any dog within the Village of Vermontville.
- 39.2 DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply:
- A. The term "persons" shall be construed to include persons, firms, corporations, agents, and employees.
  - B. The term "running at large" shall be construed to include any dog trespassing on private property, or the public streets, alleys, parks, parking lots, or other public property, while not on a leash or not confined in a motor vehicle.
  - C. The term "leash" shall be construed to mean that a dog must have securely attached to its collar a suitable leash, which leash shall be held by the person having immediate custody of such dog.
- 39.3 LICENSE REQUIRED.** Any persons owning, harboring, having the care of or charge of any dog over 4 (four) months old or older shall have said dog(s) licensed as provided by the State of Michigan or County of Eaton.
- 39.4 CONFINEMENT AND CONTROL STANDARDS.**
- A. It shall be a violation of this Chapter for any person to keep, possess, harbor, or have the care or charge of any dog under the age of 4 (four) months or over within the Village of Vermontville unless such dog shall wear a collar with the official license tag as provided for by the laws of the State of Michigan, provided that this Chapter shall not apply to any dog being transported through the Village of Vermontville, if such dog has been taxed, at the residence of the owner.
  - B. It shall be unlawful for any person keeping or possessing, harboring, or having the care or charge of any dog to permit said dog to be on the streets, alleys, parks, parking lots, sidewalks, or other property, unless on a leash in the immediate custody of a person of suitable age and discretion.
  - C. It shall be unlawful for any person keeping or possessing, harboring, or having the care or charge of any dog to permit running at large.
  - D. It shall be unlawful for any person owning or possessing, harboring, or having charge of any dog known to be dangerous to persons, to permit or allow said dog to be unconfined.
  - E. No person shall own, keep, possess, or have charge of any dog, which by loud barking, howling, or yelping, becomes a nuisance in the neighborhood in which said dog is kept.
  - F. It shall be unlawful for any person owning, possessing, or having the charge of any dog, either licensed or unlicensed, to permit it to destroy or damage property of other persons or to trespass on other persons' property.

- G. It shall be the responsibility of the owner or any person having control of any dog to pick up and dispose of any feces from the dog while under his or her control and while in any park, or on village or private property including, but not limited to, the sidewalks or parkways within the Village of Vermontville.

Revised 8-8-06/Revision H

- 39.5** Any dog running at large may be seized by the appropriate authorized official(s).
- 39.6** Nothing in this Chapter shall be construed as conferring on any private individual the right to harm, injure, or kill, any dog whose owner or persons having charge of the same from this Chapter.
- 39.7** Any kennel operation in the Village shall be approved prior to operation in accord with the special land use requirements of the Village of Vermontville Zoning Ordinance.
- 39.8 Penalties:** Any person who violates any provision of this Chapter shall be guilty upon conviction of a misdemeanor and subject to a fine of not less than \$10.00 nor more than \$100.00 together with the cost of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment at the discretion of the Court.

Revised 8-4-05/Revision F

## CHAPTER 40 OPEN BURNING

- 40.1 PURPOSE.** The purpose of this Chapter is to regulate the open burning of wood, yard waste, grass clippings, leaves, trash and other debris in the Village of Vermontville.
- 40.2 DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply:
- A. Open burning- shall mean a fire from which the products of combustion are emitted directly into open air without passing through a stack or chimney.
  - B. Incinerator- shall mean a device specifically designed for the destruction by burning of garbage or other combustible refuse or waste material.
- 40.3 OPEN BURNING PROHIBITED.** Except as otherwise provided in this Chapter no person shall cause or permit any burning of garbage or other combustible refuse or waste material, including by way of descriptions but not by way of limitation, paper, leaves, tree trimmings, brush and grass. This provision shall not be construed to prohibit fires of charcoal or non-ash producing fuels when used on private property or in public recreation areas relative to the consumption of food. Revised 10-13-07 -revision M
- 40.4 CAMPFIRE EXCEPTION.** Campfires may be permitted only in accord with the following stipulations.
- A. A campfire permit shall first be obtained. The Village may limit the availability of such permits depending on weather conditions and the condition of natural vegetation. A campfire permit shall not be issued for a period of more than three (3) days.
  - B. Campfires shall be contained by a non-flammable ring, not to exceed five (5) feet in diameter. Campfire flames shall not be permitted to exceed five (5) feet in height.
  - C. Wood for campfire shall be dry firewood.
  - D. Campfires shall be supervised by a responsible person during the period of such burning.
  - E. Campfires shall not be used for the burning of yard debris, refuse, nor garbage.
  - F. Barbeque grills and self contained outdoor fireplace units shall be permitted.
- 40.4.1 VILLAGE AUTHORIZED OPEN BURN EXCEPTION.** This Chapter shall not prohibit the Village Council from authorizing Village employees to conduct open burning on Village-owned property for the burning of (a) brush collected in the Village by Village employees (or the Village's authorized agent(s)), or (b) brush delivered to Village -owned property by Village residents in accordance with an authorized Village brush collection and disposal program. Revised 10-13-07/revision M
- 40.5 INCINERATORS PROHIBITED.** No person shall install an incinerator in the Village of Vermontville after the effective date of this Chapter.
- 40.6 INTERPRETATION OF THIS CHAPTER.** The terms of this Chapter are to be interpreted in conjunction with all other applicable laws. Whenever any provision of this Chapter imposes more stringent requirements or limitations than are imposed or required by the provisions of



any other law or ordinance, then the provisions of this Chapter shall govern. Conversely, whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions, or limitations than are imposed by this Chapter, then the provisions of such law or ordinance shall govern.

**40.7 ENFORCEMENT AUTHORITY.** The Village Council shall assign responsibility to an appropriate official to act on behalf of the Village in carrying out the terms of this section.

**40.8 PENALTIES.** Any person, firm, corporation, or other entity or anyone acting in their behalf who shall violate any of the provisions of this ordinance:

A. First offense; be issued a warning.

B. Second offense; upon conviction thereof guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and the cost of prosecution thereof or by imprisonment in the County Jail for a period not to exceed 90 days or both such fine and imprisonment is the discretion of the Court.

Revised 10-7-04/Revision D

## CHAPTER 41 CURFEW FOR MINORS

- 41.1 PURPOSE.** The purpose of this Chapter is to prohibit children under seventeen years of age from loitering or remaining upon the streets or other public places in the Village of Vermontville after certain hours of the night.
- 41.2 CURFEW.** It shall be a violation of this Chapter for any person under the age of seventeen years to loiter or remain in or upon any street, alley, or public places in the Village of Vermontville between 10:00 p.m. (ten o'clock p.m.) and 6:00 a.m. (six o'clock a.m.) the following day unless accompanied by parents or guardians, or other person(s) having legal custody and control of such minor, or someone designated by their parent or legal guardian who is 25 (twenty-five) years of age or older, unless such minor is in the pursuance of an errand directed by the minor's parents, guardian, or another person(s) having the minor's care and custody, or while the performance of some lawful employment of such minor(s) makes it necessary that said minor be upon the streets, alleys, or public places during the night time after above specified hours.
- 41.3 GUARDIAN RESPONSIBILITY.** It shall hereafter be a violation of this Chapter for any parent or other person having the legal care and custody of any minor under the age of seventeen years to allow or permit such minor, child, ward, or other person under such age, while in legal custody, to loiter, or remain unaccompanied, upon any street, alley, or other public places in the Village of Vermontville, unless there exists a reasonable necessity therefor.
- 41.4 PENALTIES.** Any person or persons, either minors under the age of seventeen years, or the parent, guardian, or legal custodian of any such minor, violating any of the provisions of this Chapter, shall upon conviction thereof guilty of a misdemeanor, incur a fine of \$500.00 (five hundred) and/or imprisonment of up to 90 days in the County jail.

Revised 6-9-05—bold items and underlined/Revision E

## CHAPTER 42 FARM ANIMALS

**42.1 LIMITED SPECIAL PERMIT.** Village residents may be permitted to house a limited number of non-hoofed farm animals for educational purposes, with the prior approval of the Village Council. Residents seeking to house such animals within the Village for educational purposes shall complete and submit an application for a Limited Special Permit for non -hoofed animals. Such permit application shall be reviewed by the Village Council and may be approved if the Village Council determines that the granting of the Limited Special Permit shall not constitute a detriment to the health, safety or welfare of Village Residents. All such applications shall be in compliance with the Village Zoning Ordinance.

## CHAPTERS 43 AND 44 - RESERVED

**VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES**

**ARTICLE FIVE: TRAFFIC AND PARKING**

The ordinances adopted by the Village of Vermontville pertaining to traffic and parking within the Village are assembled in this Article Five: Traffic and Parking.

**CHAPTER 45 UNIFORM TRAFFIC CODE**

- 45.1 UNIFORM CODE ADOPTED.** The uniform traffic code for cities, townships and villages, promulgated by the director of state police and published in the 1979 edition of the Michigan administrative code and amendments as published in the quarterly supplement number 5 to the 1979 edition of the Michigan administrative code, in accordance with Public Act 62 of 1956, State of Michigan, is hereby adopted by reference as in this Chapter modified.
- 45.2 REFERENCES IN CODE.** References in the uniform traffic code for Michigan cities, townships and villages to "governmental unit" shall mean the Village of Vermontville, Michigan. Notice to be published.
- 45.3 CONFLICTING ORDINANCES REPEALED.** Ordinance Number 50 is hereby specifically repealed. All other ordinances inconsistent with the provisions of the uniform traffic code are, to the extent of such inconsistency, hereby repealed.

## CHAPTER 46 PARKING

**46.1 PURPOSE.** It is the purpose of this Chapter to regulate parking in the Village so as to protect the public health, safety and welfare of property owners, residents, business owners and customers within and visitors to the Village and to permit accessibility to business located within the Village's downtown business area.

**46.2 PROHIBITED PARKING.** The following parking is prohibited at the locations and times set forth below:

- A. The parking of any vehicle on any street or alley within the Village between the hours of 2:00 a.m. and 5:00 a.m.
- B. The parking of any vehicle in the 100 block of West Third Street where the road is widened on the north and south sides of the street.
- C. The parking of any vehicle in any Village-owned or operated parking lot between the hours of 2:00 a.m. and 5:00 a.m.
- D. The parking of any semi-truck, tractor trailer, trailer, or motor home in any Village-owned or operated parking lot.
- E. The parking of any vehicle in the Village right of way located between the sidewalk and the curb or curb line.

**46.3 LIMITATIONS ON PARKING.** Parking on Main Street between 'C' Street (also referred to as the "East-West Alley") and First Street in the part of the 100 block of Main Street shall be limited to two hours between the hours of 8:00 a.m. and 5:00 p.m.

**46.4 AUTHORITY TO ISSUE PARKING CONTROL ORDERS; SIGNS.** In accordance with the Uniform Traffic Code adopted and enforced by the Village Council, the Village Council hereby reserves the right to establish or modify traffic control orders with respect to parking prohibitions, limitations and restrictions in accordance with the Uniform Traffic Code, as set forth in Chapter 58 of this Code. The Village Council may authorize, by motion, the posting of signs to enforce the provisions of this Chapter and any subsequent parking control order.

**46.5 ENFORCEMENT.** A violation of any provision of this Chapter shall be a municipal civil infraction for which a penalty in the amount of \$500 shall be assessed in accordance with Chapter 58 of this Code. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The imposition or payment of any municipal civil infraction penalty shall not prevent the Village from seeking injunctive relief or other available relief against a violator as may be permitted by law, nor shall it prevent the Village from taking action against a violator for any subsequent offense.

## CHAPTERS 47 – 49 - RESERVED

**VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES**

**ARTICLE SIX: ADMINISTRATION AND FINANCE**

The ordinances adopted by the Village of Vermontville pertaining to the administration of the Village and the Finance of its activities are assembled in this Article Six: Administration and Finance.

**CHAPTER 50 SPECIAL ASSESSMENTS**

- 50.1 PURPOSE.** This Chapter shall provide a special assessment procedure to be used, including when special assessments may be levied, hearings for such improvements, specifications, estimated costs, the preparation, hearing and the correction of special assessment roll(s), the collection of special assessments, the assessment of single lots or parcels, and any other matter concerning the making of improvements by special assessment, including the authorization of additional assessments, refunding of certain excess assessments, establishing a debt against the owner of said premises, and providing for a limitation of actions relative to challenging any special assessment, defining certain terms, and providing for cumulative remedies.
- 50.2 DEFINITIONS.** In the interpretation of this Chapter the following definitions shall apply:
- A. "Cost" shall refer to the cost of any public improvement' and shall include the cost of surveys, plans, land, right of way(s), spreading of rolls, notices, a dvertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessment's therefore and financing thereof.
  - B. "Public Improvement" shall mean any improvements upon public property, right o f way or easement, which results in special benefit 'to the real property in the vicinity of such improvement.
  - C. "Chapter VIII" shall mean Chapter VIII of the 1895 Public Act 3, as added by 1974 Public Act 4. All provisions of Chapter VIII are incorpora ted herein by reference. In case of conflict between Chapter VIII and other provisions of this Chapter, the provisions of Chapter VIII shall prevail. Public Act 3 of the 1895 Public Acts of Michigan is commonly known as the general law village charter, which is the charter of the Village of Vermontville.
- 50.3 SPECIAL ASSESSMENT.** The entire cost or any part thereof of all improvements may be defrayed by special assessment upon the lands especially benefited by the improvement in the manner hereinafter provided.
- 50.4 INITIATION OF PUBLIC IMPROVEMENTS.** Proceedings for making public improvements may be initiated by resolution of the Council or by a petition of a majority of the owners of the land



liable to be assessed in any proposed special assessment district. All public improvements shall be made at the discretion of the Village Council and no petition shall be mandatory upon the Village Council.

- 50.5 FORM OF PETITIONS.** All petitions for public improvements shall be on forms supplied by the village and shall include an affidavit by one (1) or more of the circulators that the signatures appearing thereon are genuine and each signer declares himself or herself to be the owner of the interest in the land indicated. All such petitions shall be filed with the Village Clerk who shall record the filing date thereon and report the receipt of all such petitions to the Village Council at the next regular meeting following receipt of any such petition.
- 50.6 INVESTIGATION.** All petitions for public improvements shall be investigated by the Village Clerk to determine whether a sufficient number of village signatures have been obtained, and, if such investigation discloses a deficiency, the said petition shall be returned to the circulator with notice of the fact. Where any lot or parcel of land is owned by more than one (1) person, each person having an interest must join in the petition. A petition containing the required number of valid signatures shall be acted upon by the Council either to accept, defer, or reject such petition.
- 50.7 REQUEST FOR REPORT.** Upon acceptance of a special assessment project petition, the Council shall refer the same to the department of public works, appropriate committees, or engineering firm or engineer, the probable cost of such improvement, any report(s) concerning need for such improvement, and the desirable extent of such improvement. The Village Council shall determine what proportion of the cost will be paid by special assessment upon the property especially benefited and what proportion, if any, should be paid by the village at large. The Council shall not order the making of any special assessment improvement prior to the filing of the aforementioned report and until after a public hearing has been held for the hearing of objections to the making of such special assessment improvements.
- 50.8 FILING OF REPORT AND NOTICE OF HEARING.** If the Council determines to proceed with the public improvement it shall approve the report as required and/or as modified by Council, the Council shall file the report with the clerk for publication, and Council shall fix a time and place for hearing on objections to the proposed improvement or to the inclusion of any property within the proposed district, at which hearing all persons owning property within the proposed special assessment district may be heard. No hearing on the improvement shall be required if a petition for such public improvement is signed by all of the property owners to be assessed for the improvement. The clerk shall place notice of the time and place of such hearing to be published once in a newspaper published and/or circulated within the Village of Vermontville not less than ten (10) days prior to the date of said hearing. Such notice shall describe the proposed special assessment district, the nature of the improvement, and shall state any engineer's report and estimate of the costs is on file with the Village Clerk for public examination. A like ten (10) day notice shall be sent by mail as prescribed in public act 162 of 1962, the State of Michigan. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Vermontville Village Council.

- 50.9 OBJECTIONS AND MODIFICATIONS.** The Council, after hearing objections, may at or after said public hearing modify the said proposed improvement or district in any respect which the Council deems in the best interests of the village at large, provided, that in the event the amount of work is increased or the boundaries of the district enlarged, then another hearing shall be held pursuant to the notice required by this Chapter.
- 50.10 DETERMINATION TO MAKE IMPROVEMENTS.** After completion of the hearing on improvement, the Council may, by resolution, determine to make the improvements and to defray the whole cost or any part of the cost by special assessment upon the property especially benefited in proportion to the benefits thereto. By such resolution the Council shall determine the necessity for the improvement, approve the plans and specifications for the improvement, determine the cost, determine what proportion of the cost shall be paid by special assessment upon the property especially benefited and what part, if any, shall be a general obligation of the village, designate the district or land and premises upon which the special assessment shall be levied, and direct the treasurer and assessor to prepare a special assessment roll in accordance with the Council's determination. In the event that neither the proceeds of the special assessment or the proceeds of bonds payable from the special assessment are required to defray the expense of the public improvement, the Council may order the work to be done by contract or with village forces. If, prior to the adoption of the resolution authorizing the making of the public improvement, written objections thereto have been filed by the owners of the property in the district which, according to estimates, will be required to bear more than fifty (50%) percent of the cost thereof, or by a majority of the owners of the property to be assessed, no resolution determining to proceed with the improvement shall be adopted except by affirmative vote of four (4) members of the Village Council.
- 50.11 SPECIAL ASSESSMENT ROLL.** The Village Treasurer and Assessor of the village shall prepare a special assessment roll of all lots or parcels of land within the special assessment district benefited by the proposed improvement, as finally determined by the Council, and assess each lot or parcel of land, the amount benefited thereby.
- 50.12 NOTICE OF HEARING ON ROLL.** When the said special assessment roll shall have been reported to the Council, they shall order the same filed in the office of the clerk for public examination and shall fix the time and place to review the roll, and direct the clerk to give notice of a public hearing. Such notice shall be given by one (1) publication in a newspaper printed and/or circulated in the Village of Vermontville for at least ten (10) days prior to the holding of the hearing, and by mail as prescribed in Public Act 162 of the Public Acts of Michigan, 1962.
- 50.13 HEARING ON ROLL, REVISION AND APPROVAL.** The Council shall review such special assessment roll and consider all objections thereto. The Council may correct or amend said roll as to any assessment or description of property or any matters appearing therein. If, after hearing all objections, the Council determines that assessments are in proportion to the benefits derived, it shall pass a resolution reciting such determinations, confirming such roll and directing the clerk to transmit the assessment roll to the treasurer for collection of various

amounts on said roll in accordance with Council resolution. Such resolution shall state the date upon which the special assessment, or the first installment thereof, if payments are to be allowed, shall be due and payable, the number of annual installments in which the special assessment shall be paid, and the rate of interest to be charged upon each deferred installment. Such roll shall have the date of confirmation endorsed thereon by the clerk and be final and conclusive for the purpose of the improvement to which it pertains.

- 50.14 LIEN.** All special assessments contained in any special assessment roll including any part thereof to be paid in installments shall from the date of confirmation of such roll constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land and a debt to the Village of Vermontville from the persons to whom they are assessed. Such liens shall be of the same character for the village taxes and shall include accrued interest and fees.
- 50.15 COLLECTION OF THE ROLL.** After the Council has confirmed the roll, the treasurer shall notify by mail each property owner on the assessment roll that the said roll has been confirmed and filed, stating the amount assessed. Failure to receive notice shall not invalidate any special assessment nor excuse the payment of interest or collection fees, or both. Each property owner shall have ninety (90) days from the date of confirmation of the roll to pay said assessment in full or any part thereof in a sum not less than the first installment thereof as set by Council, without interest, fees, or penalty. Following said ninety (90) days, the property owner may pay all of this assessment at any time, but shall be required to pay interest thereon as fixed by Council. If a special assessment or the first installment thereof remains unpaid as of the last day of February following the date of confirmation of the roll, there shall be added interest at the rate set by the Council beginning ninety (90) days from the date of confirmation of the roll to the first day of July following the said last day of February and said assessment shall be spread upon then current tax roll for the collection of taxes in the village and collected in the same manner and subject to the same fees and penalties as taxes. The second and remaining installments shall be spread upon the succeeding village tax rolls, together with interest beginning ninety (90) days from the date of confirmation of the roll, until all installments are paid.
- 50.16 ASSESSMENT FOR ABATING HAZARDS AND NUISANCES.** In the event it shall be necessary to abate a hazard or nuisance, the Council shall determine what amount or part of such expenses shall be charged, and designate the property upon which the same shall be levied as a special assessment. The Council shall require that the persons chargeable therewith be notified by the Village Clerk either by first class mail, or if the owner or owner's address is unknown, by posting notice upon the premises affected. Such notice shall state the basis for the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the Council, which shall direct the treasurer to spread the amounts against the descriptions of the property chargeable therewith on the next general tax roll for the collection of taxes in the village.

This shall be known as the single lot or parcel assessment procedure as described in said Chapter VIII and may also be used to collect all or part of the cost of construction or repair of sidewalks and similar improvements.

- 50.17 ADDITIONAL PROCEDURES.** In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide, in the resolution authorizing the improvement, the additional steps or procedures required.
- 50.18 CONTESTED ASSESSMENTS.** No suit or action of any kind shall be instituted for the purpose of contesting or enjoining the collection of any special assessments except in conformity with Section 34, Chapter VIII (MCL 68.34).
- 50.19 REASSESSMENT FOR BENEFITS.** Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for collection thereof shall be conducted in the same manner as provided for an original assessment and whenever any sum or part thereof levied upon any property in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment. If the payments exceed the amount of the reassessment, refunds shall be made.
- 50.20 COMBINATION OF PROJECTS.** The Council may combine several districts into one (1) project for the purpose of effective savings in the cost.
- 50.21 ACTUAL COST AND REFUNDS.** The Village Clerk shall within sixty (60) days after the completion of each local or special public improvement compile the actual cost thereof and certify the same to the treasurer who shall adjust the special assessment roll to correspond therewith. Should the assessment prove larger than necessary by five (5%) per cent or less, the same shall be reported to the Council which may place the excess in the treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than five (5%) per cent, the entire excess shall be credited to the owners of property as shown by the village assessment roll upon which such assessment has been levied pro rata according to the assessment, provided however, that no refunds of special assessments may be made which impair, or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments.
- Refunds shall first be credited against future unpaid installments and any balance shall be paid to the person who paid the assessment, by check.
- 50.22 ADDITIONAL SPECIAL ASSESSMENTS.** Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds issued in anticipation of the special assessment. Provided, however, that any additional pro rata assessment shall not exceed ten (10%) per cent of the assessment as originally confirmed,

unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be provided for in the case of review of the original special assessment roll.

- 50.23. PENALTY.** There are no penalties provided for the violation of this Chapter, except those provided under law for failure to pay installments and/or the failure to pay property taxes on a lot or parcel which is special assessed.

## CHAPTER 51 HAZARDOUS MATERIAL CHARGES

- 51.1 PURPOSE.** In order to protect the village from incurring extraordinary expenses resulting from the utilization of village resources to respond to an incident involving hazardous materials, the village council authorizes the imposition of charges to recover reasonable and actual cost incurred by the village in responding to calls for assistance in connection with a hazardous materials release.
- 51.2 DEFINITIONS.** In the interpretation of this Chapter the following definitions shall apply:
- A. **Hazardous Materials.** For purposes of this Chapter, "hazardous materials" include, but are not limited to a chemical that is an explosive, pyrophoric, a flammable gas, a non-flammable compressed gas, a poisonous gas, a flammable or combustible liquid, a flammable solid, spontaneously combustible materials, dangerous when wet materials, an oxidizer, an organic peroxide, poisonous materials, an infectious substance, a radioactive material, a corrosive material and other regulated materials.
  - B. **Release.** A "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.
  - C. **Responsible party.** A "responsible party" shall be any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials release.
- 51.3 PUBLIC WORKS CHARGES IMPOSED UPON RESPONSIBLE PARTY.** Where the Vermontville Public Works Department responds to a call for assistance in connection with hazardous materials, actual cost incurred by the village for such call shall be imposed upon responsible parties, including, but not limited to:
- A. The current per hour rate, or fraction thereof, for each piece of equipment required, in the opinion of the officer in command or Department of Public Works Superintendent, to be utilized in responding to the hazardous materials incident as rates set forth in the current Schedule C, "Equipment Rental Rates," Report 375 of the Michigan Department of Transportation Act 51.
  - B. All personnel related costs incurred by the village as a result of the Department of Public Works responding to the hazardous materials incident. Such cost may include, but are not limited to wages, salaries, and fringe benefits and insurance for all village employees. Such personnel related charges shall commence at the time the fire department dispatches the Village's Department of Public Works to the hazardous materials incident and continue until all village employees have concluded hazardous materials incident related responsibilities.
  - C. Other expenses incurred by the Village in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor,

consultants, legal and engineering fees, and the replacement costs related to the disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for people responding to the hazardous materials incident.

- D. Charges to the Village imposed by any local, state or federal government entities related to the hazardous materials incident.
- E. Cost incurred in accounting for all hazardous materials incident related expenditures, including billing and collection cost.

**51.4 FIRE DEPARTMENT CHARGES IMPOSED UPON RESPONSIBLE PARTY.** Where the township fire department responds to a call for assistance in connection with hazardous materials, actual cost incurred by the village for such call shall be imposed upon responsible parties, including, but not limited to:

- A. The current per hour rate, or fraction thereof, for each pumper required, for each water tanker required, for each additional township owned fire department vehicle required, in the opinion of the officer in command, to be utilized in responding to the hazardous materials incident.
- B. All personnel related costs incurred by the village as a result of the township fire department responding to the hazardous materials incident. Such cost may include, but are not limited to wages, salaries, and fringe benefits and insurance for all village employees, fire fighters and emergency medical personnel and per run fees paid to on-call personnel. Such personnel-related charges shall commence at the time the fire department is dispatched to the hazardous materials incident and continue until all township firefighters and village employees have concluded hazardous materials incident related responsibilities.
- C. Other expenses incurred by the village in responding to the hazardous materials incident, including but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and the replacement costs related to the disposable personal protective equipment, extinguishing agents, supplies, water purchased from municipal water systems and meals and refreshments for people responding to the hazardous materials incident.
- D. Charges to the village imposed by any local, state or federal government entities related to the hazardous materials incident.
- E. Cost incurred in accounting for all hazardous materials incident related expenditures, including billing and collection cost.

**51.5 BILLING PROCEDURES.** Following the conclusion of the hazardous materials incident, the Department of Public Works and/or the Fire Chief shall submit a detailed listing of all known expenses to the village clerk, who shall prepare an invoice to the responsible party for payment. The clerk's invoice shall demand full payment within thirty days of receipt of the bill. Any additional expenses that become known to the Department of Public Works and/or the Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same

manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after thirty days, the Village shall impose a late charge of one percent (1%) per month or fraction thereof.

- 51.6 OTHER REMEDIES.** The Village may pursue any other remedy or may institute any appropriate action of proceeding in a court of competent jurisdiction to collect charges imposed under this Chapter. The recovery of charges imposed under this Chapter does not limit the liability of responsible parties under local ordinance, or state or federal law, rule or regulation.



## CHAPTER 52 COMPETITIVE BIDDING

- 52.1 PURPOSE.** The purpose of this Chapter is to benefit property holders, taxpayers and other residents of the Village of Vermontville by securing the best goods and/or services at the lowest price practicable. The terms of this Chapter are not intended to inure to the benefit or enrichment of bidders.
- 52.2 REQUIRED PURCHASING PROCESS.** The Village Council of the Village of Vermontville shall conduct all purchasing in accordance with this Chapter.
- 52.3 COMPETITIVE BIDDING REQUIREMENTS.** Except as provided herein, all contracts or purchase orders for the purchase of goods or services by the Village of Vermontville shall be conducted through a sealed competitive proposal or bidding process. The following exceptions may apply, at the discretion of the Village Council.
- A. The competitive proposal requirement shall not apply to contracts for emergency repairs or services, or intergovernmental contracts. For the purposes of this section, an emergency is defined as anything that threatens life or property as well as an unexpected and pressing situation requiring swift procurement action apart from regular procedures.
  - B. Purchases of professional services, equipment, supplies, or other goods and services, valued at or below Five Hundred Dollars (\$500) shall be at the discretion of the Village Department of Public Works, Village Clerk, Village President, Trustees, committee, or any combination thereof without use of a competitive bidding process. Provided, however, the Five Hundred Dollars (\$500.00) limit shall apply only to one time or single purchase amounts. In the event such purchase of goods or services is a part of a larger purchase totaling more than \$500.00, the terms of this sub-paragraph B shall not apply.
  - C. Purchases of goods or services expected to cost more than Five Hundred Dollars (\$500.00) but less than Twenty Thousand Dollars (\$20,000.00), shall be conducted either under a competitive, sealed bid process in accord with Section 52.5 hereof, or open bid process with at least three bids sought. The decision to implement an open bid process shall be made by resolution of the Vermontville Village Council. For the purpose of this section, an open bid process shall include a good faith effort by the Village to establish a balanced, fair and competitive process of procurement, but the requirements of Section 52.5 need not be met.
  - D. Certain goods or services available from only one supplier or sole-source suppliers shall not be subject to the requirements of Section 52.5. The terms of this exemption shall extend to the following classes of purchases:
    - 1) the purchase of equipment for which there is no comparable competitive product,
    - 2) the purchase of public utility services which are natural or provided by regulated monopolies,

- 3) the purchase of component or replacement parts for which compatibility is the overriding consideration,
- 4) the purchase of a used item,
- 5) the purchase of a particular product or service for testing, experimental or trial purposes.

**52.4 RESPONSIBILITY TO AWARD.** Upon the authorization by the Village Council of a solicitation for sealed competitive bids, the Village Council shall determine if the authority to award a bid shall be delegated to a named Village official or if the Village Council reserves the right to itself the authority to award the bid.

**52.5 COMPETITIVE PROCUREMENT PROCESS.** As to contracts for which sealed competitive bids are required under the terms of this Chapter, a request for proposals (RFP) or bids shall be prepared by the Village official, employee, committee, board or commission having the responsibility for the proposed contract or purchase. Such a request for proposals or bids shall be approved by the Vermontville Village Council.

- A. The request for proposals or bids shall require interested bidders to provide the following information, as appropriate:
  - 1) A description of the services or goods desired;
  - 2) The desired beginning or delivery date;
  - 3) The desired ending, completion, or termination date.
  - 4) The minimum qualifications for bidders
  - 5) Any required warranties;
  - 6) Any required references;
  - 7) Performance bonds or other guaranties of performance;
  - 8) A firm statement of price, acquisition costs, fees, or other financial obligations of the Village.
- B. A request for proposals or bids shall also include a statement of the deadline by which bids must be submitted, the date, time and place for the public opening of bids, and the address to which the bids are to be submitted.
- C. All requests for proposals or bids shall include a statement that the Village of Vermontville Council reserves the right to accept or reject any or all bids, to waive informalities or errors in the bidding process. Also, the statement shall include the right to accept any bid deemed to be in the best interest of the Village of Vermontville, including bids that are not for the lowest amount among all bids submitted. A statement of the village policy of nondiscrimination toward all bidders to include "The Village of Vermontville does not discriminate on the basis of race, sex, age, religion, color, national origin, height, weight, marital status, or on the basis of disability or handicap."

- D. In determining the proposal or bid deemed to be in the best interest of the village, the following factors, among other, may be considered:
- 1) Price,
  - 2) Financial responsibility of the bidder,
  - 3) Past records of transactions with the bidder,
  - 4) Experience necessary to conform to the specifications of bid documents,
  - 5) Adequacy of equipment,
  - 6) Ability to complete the work within the time specified, and
  - 7) Other pertinent considerations as may be determined by the named Village official or Village Council seeking proposals or bids.
- E. The Vermontville Village Council may reject bids for the following reasons, among others: Failure of the bidder to respond to the requirements of the request for bid; Submission of a late bid, mistake or error by the bidder; Fraud, collusion, or conflict of interest; Any previous "violations of public trust" by the bidder.
- F. Responses to requests for proposals or bids by the Village of Vermontville shall be submitted in a sealed envelope to the Village clerk by a date and time specified in the request for bids and shall be marked on the outside of the envelope, "sealed bid for (indicate goods or services) for the Village of Vermontville." The Village Clerk or other member of the Vermontville Village Council shall publicly open all bids submitted, at the date and time indicated on the request for bids. All bidders shall be timely notified of any award of a contract, or of a decision not to award a contract.

**52.6 SALE OF PROPERTY.** The Vermontville Village Council adapt the procedures outlined in this Chapter to apply to the sale of any Village property with an estimated value in excess of Five Hundred Dollars (\$500.00).

## CHAPTER 53 BUDGETING, FINANCE AND ADMINISTRATION

**53.1 FISCAL YEAR.** Effective May 23, 2003, the Village of Vermontville's fiscal year shall be January 1 through December 31.

**53.2 VILLAGE CLERK. (Reserved)**

### **53.3 VILLAGE PLANNING COMMISSION**

A. There is hereby created a Planning Commission for the Village of Vermontville, pursuant to Act 285 of the Public Acts of the State of Michigan for the year 1931, as amended.

B. The Planning Commission shall consist of *not less than five* members to be appointed by the Village Council of the Village of Vermontville, Michigan. The terms of each member shall be three years, except that three members of the first commission shall serve for a term of one year, three for a term of two years, and three for a term of three years. All members shall hold office until their successors are appointed and may be removed by the Village Council for inefficiencies, neglect of duties, , malfeasance, misfeasance or nonfeasance in office, but only after providing written notice to the member and a public hearing on the removal prior to actually removing the member.

Revised 03-04

Revised 1-10-09 in accordance PA 33 of 2008

C. Said Commission shall have all the powers and duties now or hereafter provided by Michigan Law for Village Planning Commissions, included but not in limitation of the foregoing those powers provided for in Act 285 of 1931, Act 163 of 1943, Act 222 of 1943, and Act 138 of 1962 of the Public Acts of the State of Michigan.

## CHAPTER 54 – ELECTRIC & GAS FRANCHISES ORDINANCE

### Electric & Gas Franchises Ordinances

THE VILLAGE OF VERMONTVILLE ORDAINS the addition of the Tri County Electric Cooperative, Inc. and Consumers Power Company Gas Franchise Ordinances of the Village of Vermontville by adding to Article Six: Administration And Finance this Chapter 54: Electric and Gas Franchise Ordinances.

Section 1: The Following will be added to Article Six, Chapter 54:

### VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN CODE OF ORDINANCES

#### CHAPTER 54: ELECTRIC & GAS FRANCHISES

The Ordinance Number 2000-1 adopted by the Village of Vermontville on January 6, 2000 pertaining to the Tri-County Electric Cooperative, Inc., its successors and assigns, and the right, power and authority to construct, maintain, and commercially use electric lines and associated appurtenances within the Village contingent upon complying with regulations therein, and, the Ordinance Number 5 adopted by the Village of Vermontville on October 5, 1989 pertaining to the granting of Consumers Power Company, its successors and assigns, and the right, power and authority to lay, maintain, and operate gas mains and associated appurtenances within the Village contingent upon complying with regulations therein; are hereby incorporated by reference in this Article

6: Administration and Finance. The electric franchise ordinance and the gas franchise ordinance are maintained as a separate text.

#### Section 2. Severability.

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

Revised 4-8-04/Revision A

## Chapter 54B Escrow Fees

**Section 54B.1. Escrow Fees for Reimbursement of Village Expenses .** With respect to zoning and land use applications and applications for other matters requiring Village approval under this Code including, but limited to extensions of public infrastructure such as streets, sanitary sewers, stormwater, and/or public water service, the applicant shall be responsible for all costs and expenses incurred by the Village which are directly associated with reviewing and processing the application, including but not limited to the costs of professional review and input by engineers, legal counsel, community planners and other consultants whose professional review and input is deemed necessary by the Village for effective evaluation of the application, as applicable. To facilitate the reimbursement of such costs and expenses to the Village, applicants may be required to deposit funds into an escrow account in an amount and manner established by resolution of the Village Council, and the Village may withdraw funds from the escrow account as necessary to recover such reimbursable costs and expenses incurred by the Village, as provided in the resolution. Any unused funds remaining in an escrow account after the application has been fully reviewed and processed shall be refunded to the applicant.

**Section 54B.2. Additional Deposit.** If the funds in an escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a positive balance.

**Section 54B.3. Consideration of Application; Insufficient Escrow.** An application for any permit, license or final Village approval for which an escrow deposit is required shall not be complete, and need not be considered, unless and until the required escrow deposit has been made and such deposit has been maintained at the required amount.

**Section 2. Publication and Recording .** This Ordinance, or a summary thereof, shall be published once in the *Maple Valley News*, a newspaper of general circulation within the boundaries of the Village of Vermontville qualified under State law to publish legal notices, within fifteen (15) days after its adoption and the same shall be recorded in the Ordinance Book of the Village.

VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN  
CODE OF ORDINANCES

**ARTICLE SEVEN CIVIC ACTIVITIES**

The ordinances adopted by the Village of Vermontville pertaining to certain civic activities in the Village are assembled in this Article Seven: Civic Activities.

**CHAPTER 55 FESTIVAL VENDING PERMITS**

- 55.1 PURPOSE.** The purpose of this Chapter is to establish procedures and standards relative to the granting of licenses and fixing the fees thereof, and providing for licensing of the selling or giving of goods, merchandise, food or beverages by any person, group or entity within the Village limits during the Vermontville Maple Syrup Festival.
- 55.2 FESTIVAL VENDING PERMIT.** That during, and for the week prior to the Vermontville Maple Syrup Festival, each and every person, group or entity who shall bring into the Village limits any goods, merchandise, food or beverage, to dispose of by sale or gift the same from any store, other building, temporary structure or residential property without a bonafide intention of remaining permanently in the business of selling or disposing of such goods, merchandise, food or beverage shall pay to the Village Clerk the sum of fifty (\$50.00) dollars for each and every day such goods, merchandise, food or beverage shall be exposed for purchase or consumption; and upon payment of said sum the clerk shall give to such person, group or entity a permit to sell and dispose of such goods, merchandise, food or beverage for such number of days as the amount paid shall warrant.
- 55.3 PERMIT REQUIRED.** No person shall carry on the business of auctioneering, pawnbroking, canvassing, peddling or selling goods or merchandise, food or beverage from house to house, or upon the streets or sidewalks within the Village limits of the Village of Vermontville, during the Vermontville Maple Syrup Festival, without having paid to the Village Clerk fees for a permit to engage in such business, as indicated in Section 55.2 of this Chapter.
- 55.4 PENALTIES.** Any person violating any of the provisions of this Chapter, and any person who shall engage in business, trade, or occupation as specified in Sections 55.2 and 55.3 of this Chapter within the Village of Vermontville, during the specified times, without having complied with the conditions and requirements of this Chapter and paid to the Village Clerk the fee specified herein for such business, trade, or occupation, or without having procured such license as herein specified, upon conviction, shall be guilty of a civil infraction punishable by a fine of Five hundred (\$500) dollars per day plus any court costs.

## CHAPTER 56 MAPLE TREE PLANTING AND PRESERVATION

- 56.1 PURPOSE.** The purpose of this Chapter is to insure that species of maple trees, suitable for tapping for sap for the production of maple syrup, are going to be a part of Vermontville's future, as they have been an important part of the history of Vermontville. By helping to insure that such trees are planted, the environment, as well as the economy of the maple syrup product are given a helping hand by the Village of Vermontville. This Chapter allows for the procurement of such trees, the planting of such trees, and an agreement with Village residents to allow such trees procured under this Chapter to be tapped for sap for maple syrup production when the trees attain suitable size as recognized by general tree tapping standards.
- 56.2 FUNDING.** The expense of carrying out the terms of this Chapter shall be borne by the general fund of the Village of Vermontville, with proper accounts established as required by generally accepted accounting procedures.
- 56.3 RESPONSIBILITY FOR ADMINISTRATION OF THIS PROGRAM.** The final responsibility for the administration of this Chapter shall rest with the Vermontville Council. Individual activities associated with carrying out the terms of this Chapter may be undertaken by the President of the Village of Vermontville; the assigned committee of councilpersons; residents of the Village of Vermontville who volunteer for service on such established committees, if assigned; the Department of Public Works for the Village of Vermontville; representatives of the Vermontville Syrup Corporation or festival representatives; individuals who donate such trees; and any other civic groups who may seek or be invited to help administer this program. This program will be administered in compliance with the Open Meetings Act, the Village's policy of non-discrimination toward any individual or group, and, where feasible, all applications of the Americans with Disabilities Act.
- 56.4 PROCUREMENT OF TREES.** Species of maple suitable for the production or capable of producing sap which can be made into maple syrup will be sought for planting. The sugar maple (*acer saccharum* genus) will be the maple tree of first choice, but, other maple species suitable for planting for the purposes of this Chapter may also be planted. The Village of Vermontville may seek donors of these maple trees, the donor of such trees may or may not be a member of the Vermontville Maple Syrup "Festival" Association, but, "free" donors of trees will be sought and preferred. If no donors of free trees can be found, the Village of Vermontville may enter into an agreement with a party who charges for a maple tree, with the recipient of the maple tree being charged for the tree only.
- 56.5 THE TRANSPLANTING OF MAPLE TREES.** The Village of Vermontville may provide the equipment necessary to transplant these trees with the use of Department of Public Works employees to do so. The Department of Public Works may enter upon private property to attain suitable maple trees. Volunteers may be used in the transplanting of these maple trees, with the idea that such volunteers are assisting the recipients of these trees, with no employee-employer relationship construed or involved. The donor of any of the suitable maple trees may, at his or her discretion, allow residents of the Village of Vermontville to transplant such trees and still be bound by the idea that these trees will be allowed to be tapped.



- 56.6 LIABILITY.** The Village of Vermontville will not be responsible for damage to private property in the transplanting of these maple trees. The Village of Vermontville's Department of Public Works will take such precautions in digging up these trees from donors' wood lots or land as necessary to not disturb the surrounding areas by digging around trees as only an area necessary to insure survival of the tree. While planting these trees upon the recipient's property, with yards in particular, some damage must be expected during certain times of the year and after very wet conditions. Care will be taken to damage recipient's property minimally, but the recipient landowner shall be responsible for repairing damage sustained by the transplanting of these trees.
- 56.7 RECIPIENTS' LIABILITY.** The recipient of these maple trees will be responsible for assuring, to the best of their ability, the survival of these trees. The recipient is responsible for properly watering and fertilizing their trees. The recipient will not destroy such tree intentionally, and if while of transplantable size, the tree may be transplanted to another recipient. The Village of Vermontville will not re-transplant trees upon a recipient's property without the consent of Council of the Village of Vermontville. The Department of Public Works will plant the tree to sufficient depth, backfill, and initially water, although any additional settling will be the recipients' responsibility. Any required staking is the recipients' responsibility.
- 56.8 VILLAGE OF VERMONTVILLE LIABILITY.** The Department of Public Works will plant suitable maple trees in desirable locations, with the best placement of these trees to insure future growth, with the least interference with underground and overhead utilities, and with these trees planted a suitable distance from streets and planted such as not to obscure fields of vision for all traffic. The planting of these maple trees is to be avoided, if at all possible, in the street right of way. The recipient will stake the desired placement of the trees and contact with the Department of Public Works must be done if a recipient cannot be present when a tree is planted, which is preferred. Disputes on the placement of trees will be referred to council or representatives with authority to settle dispute on placement of these trees if they arise. The Department of Public Works will handle the contacting of all utilities (Miss Dig) before a tree is planted. If a dispute arises while the Department of Public Works is planting a tree, and in the opinion of the Village of Vermontville employees a dispute cannot be settled, the Village of Vermontville employees will cease all work, fill in any excavations, and remove themselves and the maple trees from the property if no representative(s) of the Village Council with the ability to resolve disputes is/are available.
- 56.9 OWNERSHIP OF MAPLE TREES.** The recipient of any tree or trees of these programs is given ownership of these trees. They are not the property of the Village of Vermontville. Therefore, any damage caused by the trees, at any time, shall be the responsibility of the recipient of the tree.
- 56.10 ORDER OF TREE PLANTING.** Trees will be transplanted when it is deemed suitable to do so. Recipients of trees will be grouped into similar sign-up times, such as spring or fall. Individuals who wish to participate and sign up for this program will be grouped so that they receive their trees at the time of year the trees are being planted. The supervisor of the Department of Public Works may set up planting schedules so that recipients on one block,

street, or section of the Village of Vermontville are planted as a group. It must be realized that it is more feasible to plant maple trees on the adjoining properties of recipients, even though someone else may have signed before a requesting adjoining landowner. But, requesting individuals in the same group will be planted before any prior group of requesting individuals. The Village of Vermontville cannot foresee any emergencies that may arise in the future, therefore, the planting schedule or day of the actual planting of the tree may be altered. The supervisor of the Department of Public Works, the President of the Vermontville Village Council, or the council itself may delay the tree planting program to attend to emergencies. A recipient of a tree or trees may have the date of tree planting rescheduled, and the aforementioned person or persons may cause it to be rescheduled. This is a right of the Village of Vermontville. The time of planting of trees is construed to be the normal weekday hours of the Department of Public Works, Monday through Friday, 7:00 am to 3:30 p.m. The Department of Public Works may decide it appropriate to work with volunteers later hours, or by order of the Council to work later hours; however, it is to be anticipated that there will be no weekend hours spent on this Chapter. If an individual requests to have a tree planted on the weekend and the Village Council agrees, and the Village employees agree, the costs of labor of the employees shall be borne by the recipient(s). These costs are to be paid in full within two (2) weeks or they will be added as a lien on the recipient's property tax rolls.

- 56.11 OWNERSHIP OF RECIPIENT'S PROPERTY.** Recipient of maple trees of this program is to be by agreement with landowners only. This includes land contract holders, mortgaged properties, and deed holders. Trees may be planted upon rental properties only when the landlord or owner signs an agreement to allow tree planting on the property.
- 56.12 TREE PRESERVATION.** This Chapter, by allowing for maple trees suitable for tapping, can be responsible for the assurance of future residents and generations this tree, which is rich in the history of this village. However, diseases and pests may attack these trees. If such a disease or pest attacks these trees of this program or trees of the maple species already standing, the Village of Vermontville will attempt to aid landowners in saving these trees by consulting with forestry specialists in finding treatment or aiding trees. The costs of such treatments are the landowners' responsibility.
- 56.13 MAPLE TREE TAPPING.** A recipient of trees, by participating in this program, agrees to allow the tree to be tapped for sap for the production of maple syrup by the donor, the donor's representative, or by representatives of the maple syrup corporation. This applies to all succeeding landowners of the property upon which maple trees of this Chapter are planted.
- 56.14 SIGNED AGREEMENT.** All individuals participating in this program shall sign an agreement stating that:
- A. The recipient(s) receive a copy of this Chapter.
  - B. That the recipient(s) read and understand this Chapter.
  - C. A copy of agreement to participate in this program remains on file in the Village of Vermontville office.

- D. Upon doing the above, the participant be placed upon a master list to be kept in the village office.

## CHAPTER 57 TELECOMMUNICATIONS

- 57.1 PURPOSE.** The purposes of this Chapter are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the City qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.
- 57.2 CONFLICT.** Nothing in this Chapter shall be construed in such a manner as to conflict with the Act or other applicable law.
- 57.3 TERMS DEFINED.** The terms used in this Chapter shall have the following meanings:
- A. *Act* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002), as amended from time to time.
  - B. *City* means the Village of Vermontville.
  - C. *City Council* means the Village Council of the Village of Vermontville or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.
  - D. *City Manager* means the Village Clerk or his or her designee.
  - E. *Permit* means a non-exclusive permit issued pursuant to the Act and this ordinance to a telecommunications provider to use the public rights-of-way in the City for its telecommunications facilities.
  - F. All other terms used in this Chapter shall have the same meaning as defined or as provided in the Act, including without limitation the following:
    - 1) *Authority* means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.
    - 2) *MPSC* means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.
    - 3) *Person* means an individual, corporation, partnership, association, governmental entity, or any other legal entity.
    - 4) *Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.
    - 5) *Telecommunication Facilities* or *Facilities* means the equipment or personal property,

such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

- 6) *Telecommunications Provider, Provider and Telecommunications Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this ordinance only, a provider also includes all of the following:
- a) A cable television operator that provides a telecommunications service.
  - b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.
  - c) A person providing broadband internet transport access service.

#### 57.4 PERMIT REQUIRED.

- A. *Permit Required.* Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the City for its telecommunications facilities shall apply for and obtain a permit pursuant to this Chapter.
- B. *Application.* Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the City Clerk, one copy with the City Manager, and one copy with the City Attorney. Upon receipt, the City Clerk may make additional copies of the application and distribute a copy to the Director of Public Works, the Village Engineer, Planner or others that may serve the Village in the review of the application. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act.
- C. *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA

- 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.
- D. *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of \$500.00.
  - E. *Additional Information.* The City Manager may request an applicant to submit such additional information which the City Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the City Manager. If the City and the applicant cannot agree on the requirement of additional information requested by the City, the City or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.
  - F. *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the City under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the City to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this ordinance.
  - G. *Existing Providers.* Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the City as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the City an application for a permit in accordance with the requirements of this ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the \$500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

## 57.5 ISSUANCE OF PERMIT.

- A. *Approval or Denial.* The authority to approve or deny an application for a permit is hereby delegated to the City Manager or his or her designee. Pursuant to Section 15(3) of the Act, the City Manager or his or her designee shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 57.4, B of this Chapter for access to a public right-of-way within the City. Pursuant to Section 6(6) of the Act, the City Manager shall notify the MPSC when the City Manager or his or her designee has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The City Manager or his or her designee shall not unreasonably deny an application for a permit.
- B. *Form of Permit.* If an application for permit is approved, the City Manager shall issue the

permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.

- C. *Conditions.* Pursuant to Section 15(4) of the Act, the City Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.
- D. *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on 57.5, C, above, the City Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

- 57.6 **CONSTRUCTION/ENGINEERING PERMIT.** A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the City without first obtaining a construction or engineering permit as required under Chapter 4 (four) of this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such a construction or engineering permit.
- 57.7 **CONDUIT OR UTILITY POLES.** Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this ordinance does not give a telecommunications provider a right to use conduit or utility poles.
- 57.8 **ROUTE MAPS.** Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the City, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the City. The route maps should be in paper or electronic format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.
- 57.9 **REPAIR OF DAMAGE.** Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the City, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.
- 57.10 **ESTABLISHMENT AND PAYMENT OF MAINTENANCE FEE.** In addition to the non-refundable application fee paid to the City set forth in Section 57.4, D, above, a telecommunications provider with telecommunications facilities in the City's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.
- 57.11 **MODIFICATION OF EXISTING FEES.** In compliance with the requirements of Section 13(1) of the Act, the City hereby modifies, to the extent necessary, any fees charged to

telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the City also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the City's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The City shall provide each telecommunications provider affected by the fee with a copy of this ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the City's policy and intent, and upon application by a provider or discovery by the City, shall be promptly refunded as having been charged in error.

- 57.12 SAVINGS CLAUSE.** Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 57.11 above shall be void from the date the modification was made.
- 57.13 USE OF FUNDS.** Pursuant to Section 10(4) of the Act, all amounts received by the City from the Authority shall be used by the City solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the City from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the City under Act No. 51 of the Public Acts of 1951.
- 57.14 ANNUAL REPORT.** Pursuant to Section 10(5) of the Act, the City Manager with the Street Administrator shall file an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.
- 57.15 CABLE TELEVISION OPERATORS.** Pursuant to Section 13(6) of the Act, the City shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.
- 57.16 EXISTING RIGHTS.** Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this Chapter shall not affect any existing rights that a telecommunications provider or the City may have under a permit issued by the City or under a contract between the City and a telecommunications provider related to the use of the public rights-of-way.
- 57.17 COMPLIANCE.** The City hereby declares that its policy and intent in adopting this Chapter is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The City shall comply in all respects with the requirements of the Act, including but not limited to the following:



- A. Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 57.4, C of this Chapter;
- B. Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 57.4, F, of this Chapter;
- C. Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the \$500 application fee, in accordance with Section 57.4, G, of this Chapter;
- D. Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the City, in accordance with Section 57.5, A, of this Chapter;
- E. Notifying the MPSC when the City has granted or denied a permit, in accordance with Section 57.5, A, of this Chapter;
- F. Not unreasonably denying an application for a permit, in accordance with Section 57.5, A, of this Chapter;
- G. Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 57.5, B, of this Chapter;
- H. Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 57.5, C, of this Chapter;
- I. Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 57.5, D, of this Chapter;
- J. Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 57.6 of this Chapter;
- K. Providing each telecommunications provider affected by the City's right-of-way fees with a copy of this ordinance, in accordance with Section 57.11 of this Chapter;
- L. Submitting an annual report to the Authority, in accordance with Section 57.14 of this Chapter; and
- M. Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 57.15 of this Chapter.

**57.18 RESERVATION OF POLICE POWERS.** Pursuant to Section 15(2) of the Act, this ordinance shall not limit the City's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the City's authority to ensure and protect the health, safety, and welfare of the public.

**57.19 SEVERABILITY.** The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or

clause of this ordinance is adjudged unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this ordinance.

- 57.20 AUTHORIZED CITY OFFICIALS.** The City Manager or his or her designee is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators to appear in court or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this Chapter as provided by Section 24.8 of Article Two of the City Code.
- 57.21 MUNICIPAL CIVIL INFRACTION.** A person who violates any provision of this ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a fine of up to ~~\$500.00~~ per day and each day that a violation continues shall be determined to be a separate offense. Nothing in this Section 57.21 shall be construed to limit the remedies available to the City in the event of a violation by a person of this ordinance or a permit.
- 57.22 REPEALER.** All ordinances and portions of ordinances inconsistent with this Chapter are hereby repealed.
- 57.23 EFFECTIVE DATE.** This Chapter shall take effect on November 1, 2002.

## **CHAPTER 58 ENFORCEMENT.**

**58.1 DEFINITIONS.** The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

*Authorized Village Official* means a police officer or other personnel of the Village authorized by this Code or any ordinance to issue municipal civil infraction citations.

*Municipal Civil Infraction Action* means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

*Municipal Civil Infraction Citation* means a written complaint of notice prepared by an authorized Village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

*Violation* means doing an act that is prohibited by ordinance or by rule or regulation authorized by ordinance, or failing to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance. Violation does not include the failure of a Village officer or employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this Chapter.

**58.2 MISDEMEANOR VIOLATIONS.** A person convicted of any of the following violations shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment:

- (A) Violation of a stop work order issued by a Village building official.
- (B) Failure or refusal to comply with an order approved by the Village Council pursuant to the Housing Law of Michigan, being Public Act No. 167 of 1917, within the time prescribed by same.
- (C) Violation of any other provision of this Code expressly designated to be a misdemeanor.

**58.3 MUNICIPAL CIVIL INFRACTIONS.** Except as otherwise provided by this Code or state law, a violation of this Code shall be a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for a subsequent offense, in addition to all the costs, damages and expenses, including reasonable attorneys fees, incurred by the Village by reason of the violation, as provided by law. For purposes of this section, the term “subsequent offense” means a violation of the same provision

committed by the same person within one year of a previous violation for which such person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

**58.4 CONTINUOUS VIOLATIONS.** Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

**58.5 OTHER REMEDIES AVAILABLE.** The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

**58.6 AUTHORIZED VILLAGE OFFICIALS.** The following personnel of the Village have the authority to issue municipal civil infraction citations:

- (A) Village President.
- (B) Ordinance Enforcement Officer.
- (C) Sheriff and Deputies of the Eaton County Sheriff's Department.
- (D) Building officials and housing officials, but only for violations of those ordinances and codes for which such officials are responsible for administering and enforcing.
- (E) Zoning Administrator, but only for violations of the Village Zoning Ordinance.
- (F) Village Clerk, for violations of Chapter 57, covering telecommunications.
- (G) Other Village officials appointed by the Village Council to administer and enforce all or part of this Code.

**58.7 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT.** A municipal civil infraction action may be commenced upon the issuance by an authorized Village official of a municipal civil infraction citation directing the alleged violator to appear in court.

**58.8 MUNICIPAL CIVIL INFRACTION CITATIONS – ISSUANCE AND SERVICE.** Municipal civil infraction citations shall be issued and served by authorized Village officials, as follows:

- (A) An authorized Village official may issue a citation to a person if:
  - (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the Village attorney approves in writing the issuance of the citation.
- (B) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the Village and issued to the alleged violator as provided by law.
- (C) An authorized Village official shall personally serve a copy of the citation upon the alleged violator; provided, however, that if the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator but may be served by posting the copy on the land or attaching it to the building or structure and sending a second copy by certified mail to the owner of the land, building or structure at the owner's last known address.
- (D) The municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (E) Upon receiving a municipal civil infraction citation, the alleged violator may do one of the following:
  - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - (2) Admit responsibility for the municipal civil infraction with explanation by mail by the time specified for appearance, in person, or by representation.

- (3) Deny responsibility for the municipal civil infraction by doing either of the following:
  - (a) Appearing in person for an information hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Village.
  - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (F) If the alleged violator desires to deny responsibility or admit responsibility with explanation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for an appearance, unless a hearing date is specified on the citation.
- (G) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Village.
- (H) Failure of an alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

**Amendment/Repeal of Certain Penalties Provisions.** The following provisions of the Code, covering penalties for violations of their respective Chapters, are hereby amended to read as follows:

**1.18 RESERVED.**

**2.10 PENALTIES.**

- A. [no change]
- B. Any violation which continues beyond the reasonable time limit given shall be a municipal civil infraction, for which penalties shall be assessed in accordance with Section 58.3 of this Code.
- C. [no change]

**32.36 RESERVED.**

**35.14 RESERVED.**

**35.15 RESERVED.**

**37.6 RESERVED.**

**38.5 RESERVED.**

**39.8 RESERVED.**

**40.8 RESERVED.**

**41.4 PENALTIES.** A minor under the age of seventeen years who violates any provision of this Chapter, and also the parent, guardian or legal custodian of any such minor, shall be responsible for a municipal civil infraction for which penalties shall be assessed in accordance with Section 58.3 of this Code.

**55.4 RESERVED.**

**57.20 RESERVED.**

**57.21 RESERVED.**

**Adoption of Revised Uniform Traffic Code.** Section 45.1 of the Code is hereby amended so as to read in its entirety as follows:

**45.1 UNIFORM TRAFFIC CODE ADOPTED.** The Uniform Traffic Code for Cities, Townships, and Villages promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969 (MCL 24.201, *et seq.*), as amended and made effective October 30, 2002, together with any subsequent amendment thereof, is hereby adopted by reference except as to such provisions thereof as may be amended or deleted in this Chapter.

**Amendment of Chapter 57. Chapter 57 of the Code, covering telecommunications facilities, is hereby amended as follows:**

All instances of the word "City" shall be replaced with the word "Village."

All instances of the word "Manager" shall be replaced with the word "Clerk."

The phrase "Chapter 4 (four) of" shall be deleted from Section 57.6.

**Effective Date.** This Ordinance shall become effective the day following its publication or publication of a summary of its provisions in a local newspaper of general circulation in the Village.